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# OUR NATIONAL GOVERNMENT



1907



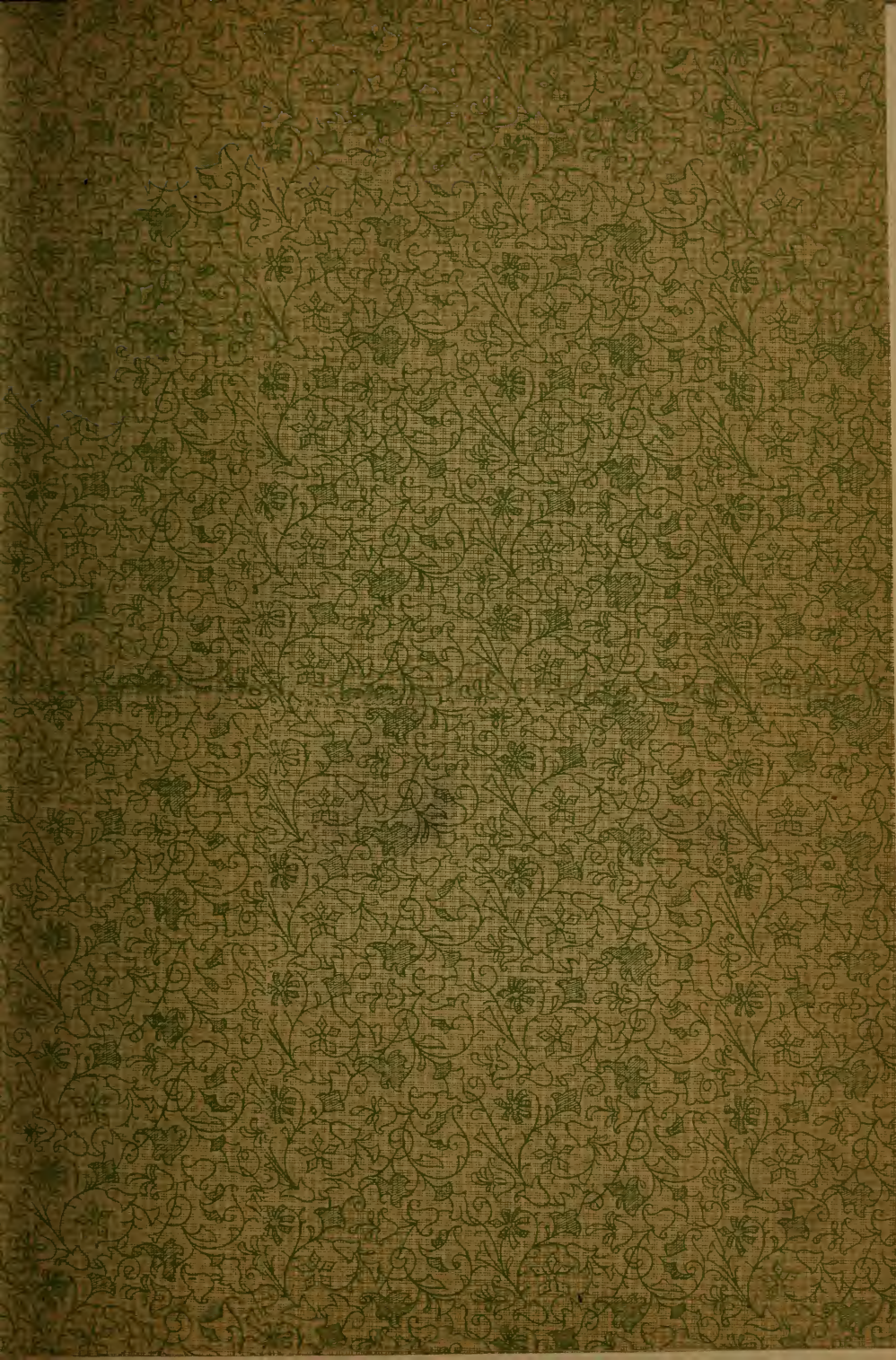
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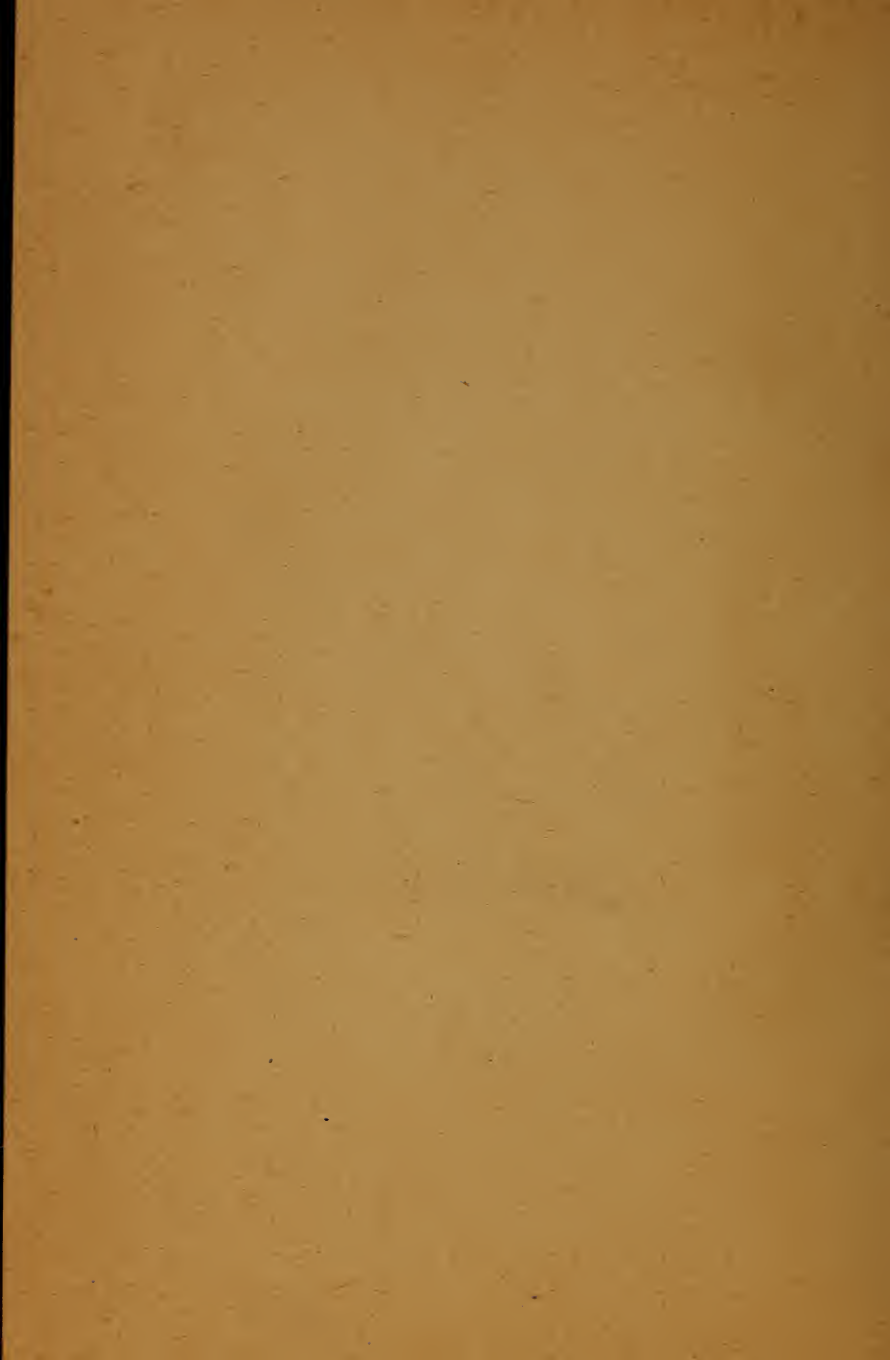
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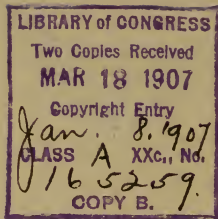








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BY

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## PREFACE.

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THE author lays before the teachers of this country this short treatise on the Constitution of the United States with the hope that it may render this study interesting and profitable.

It is to be deplored that this branch of study is entirely neglected in most of our common schools and academies. For an excuse it is urged that the branch is too difficult for children. Why should it be? The pupils are required to learn a hundred and one questions in Geography and other branches, that are more difficult than those in this book. Much of this knowledge has no practical value for the child in after life. Why not devote some of the time, thus lost, to a study that has actual value?

One of the principal objects of education is, to make good and loyal citizens. How can a school accomplish this, where the children are not instructed in their duties and rights as citizens? Ask the pupils at school almost any reasonable question in Geography, History, etc., and many are ready to reply without hesitation. But ask them what is needed, when they grow up, to entitle them to vote; what Congress is, etc., and profound silence reigns in the school-room. Why should this be so? Is a knowledge of these facts of no importance to the children? Every teacher, deserving of the name, can find the correct answers to these questions.

The plan laid down in this work, is the one followed by the author for the last fifteen years in teaching this branch to pupils between the ages of eleven and fourteen years.

When a short course is desired, the author begins with the Constitution. The pupils are required to memorize the answers not marked with an asterisk. All the other matter contained in the book, is read by the pupils and discussed with them. Two or three classes per week, say of fifteen minutes each, are sufficient to complete the short course in one term.

The long course embraces all the answers, leaving it to the judgment of the teacher, however, to omit such answers as he deems not of sufficient importance to be committed to memory. The author uses the long course in this manner: The pupils of the 6th grade memorize all answers not marked with the asterisk. The pupils of the 7th grade review the answers memorized in the 6th grade, and also learn those marked with the asterisk. One or two lessons a week are sufficient to complete the long course if extended to two years. If, however, only one year is allotted to this study, two or three classes a week are required. Any teacher capable to teach the common branches can, with the aid of this little book, teach this branch successfully.

THE AUTHOR.



# Our National Government.

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## PART I.

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### INTRODUCTORY.

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#### CHAPTER I.

##### Government in General.

1. What is government?

Government is the organized power by which a state or nation manages its affairs and insures its existence.

2. What should be the object of every government?

The object of every government should be the establishment, preservation, and promotion of the public welfare.

3. How is this object attained?

This object is attained by enacting and enforcing good laws.

4. Name the principal forms of government.

The principal forms of government are the Monarchial and the Democratic.

- \*5. What is a Monarchial Form of government?

A Monarchial Form of government is one in which the authority to govern is vested in *one person*, called Emperor, King, Prince, etc..

Monarchies are either limited or absolute. In a Limited Monarchy the ruler only *enforces* the laws made by an elective law-making body of that government. To make these laws valid, the ruler's assent is necessary. He must obey all laws as every

other citizen. All important monarchies of the present day are limited. Examples—Great Britain, Germany, Japan, etc.

In an Absolute Monarchy the ruler *makes* and *enforces* the laws at his pleasure. He himself is accountable to no earthly authority. The property, liberty, and life of his subjects are at his disposal. The fear of personal violence and of revolution, however, is a powerful check on his lawless desires. Examples—Russia, Turkey.

6. What is a Democratic Form of government?

A Democratic Form of government is one in which the authority to govern is vested in the *people*—either as a body, or in their representatives.

A Democracy in which all the qualified voters of the state or nation meet to make and execute the laws, is called a Pure or Absolute Democracy. This form of democracy is not practicable, and is virtually extinct.

A Democracy in which the people are governed by representatives, chosen by themselves, is called a Representative Democracy, or a *Republic*. This form of democracy is practicable, and is found in all important republics.

7. What is a Republic?

A Republic is a country in which the laws are made and executed by men elected by the voters of the country. Examples—United States, France, etc.

Our Government is sometimes called a *Federal Republic*, because it is a republic arising from the federation or union of many smaller republics, called States.

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## CHAPTER II.

### Our Government from 1775-1781.

8. By what were the States united from 1775-1781?

From 1775-1781 the States were united by the bonds of common interest. They had no written Constitution.

In the beginning of the war (1775) the thirteen colonies fought against England for their rights. After the Declaration

of Independence, July 4, 1776, they fought for their liberty, and assumed the name of Independent States.

9. By whom were the affairs of our Government managed during this period?

During this period the affairs of our Government were managed by the Continental Congress.

This Congress was composed of delegates from the different States.

- \*10. What powers did the Continental Congress assume?

The Continental Congress assumed all the powers needed to maintain the independence and the safety of the States.

- \*11. What justified Congress in assuming these powers?

The Right of Self-defense justified the Continental Congress in assuming these powers.

As the war progressed the States realized that some definite plan of government was needed, and Congress appointed a committee to draft a plan. The report of this committee was adopted by Congress in 1777, under the name of the "Articles of Confederation." They were submitted to the States for ratification. Some of the States, however, were unwilling to ratify them; jealousy, rivalry, and the fear of losing their rights, were the main causes. It was not until 1781 that these Articles were ratified by the thirteen States, and became the basis of our Government.

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### CHAPTER III.

#### Our Government from 1781-1789.

12. What formed the basis of our Government from 1781-1789?

From 1781-1789 a written constitution, called the Articles of Confederation, formed the basis of our Government.

These Articles united the States in a bond of friendship, chiefly for the common defense. Each State retained its independence and sovereignty, thus withholding from Congress the Supreme Power so necessary for an effective government.



13. In whom did the Articles vest the power of government?

The Articles of Confederation vested the power of government in one body, called Congress.

This Congress could *make* laws, but it lacked the power to *enforce* them. There was no separate executive department to enforce the laws, and no judiciary department to *interpret* them.

14. Of whom was this Congress composed?

This Congress was composed of delegates from each State.

Each State was entitled to equal representation, and had but one vote on any question. Every State chose its own delegates by its own laws, and paid their expenses.

15. Name some of the powers this Congress had.

This Congress had power to raise armies, create navies, to coin and borrow money, to commission United States officers, etc.

The people soon realized that the Government must have more power, if the Union was to be preserved. Congress made several attempts to remedy the defects in the Art. of Conf., but it failed.

16. Name some of the defects in these Articles.

The Articles of Confederation did not give Congress the power to levy taxes in order to pay off the National debt and to support the Government. The States had also retained the Controlling Power, leaving Congress powerless to enforce its decrees.

17. What was done to remedy these defects?

In 1787 a convention, composed of delegates from the States, met at Philadelphia for the purpose of forming a more perfect union by revising the Articles of Confederation.

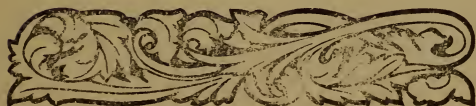
**18.** What was the result?

The present Constitution of the United States was the result; the Articles of Confederation being too defective to admit of a revision.

**19.** What was done with the new Constitution?

The Convention adopted this Constitution, and laid it before Congress for approval. It was then submitted to the people, not the States, to reject, or ratify it. Eleven of the thirteen States had signed it by 1788.

According to Article VII of the Constitution, the ratification of nine States was necessary to establish these Articles between the States ratifying them.



## PART II.

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### Our Government under the Present Constitution.

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#### CHAPTER IV.

##### General View.

**20.** What is the Constitution of the United States?

The Constitution of the United States is a written document, explaining how our Government is organized, and what powers it has.

**\*21.** When did the Consitution go into effect?

The present Constitution went into effect during the early part of 1789.

The introductory paragraph of the Constitution is called the "Preamble." It names the six objects the Constitution is to accomplish.

#### *THE PREAMBLE.*

*"We, the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquillity, provide for the common defence, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America."*

**22.** Name the six objects the Constitution is to accomplish.

These objects are: 1st, To form a more perfect union; 2d, To establish justice; 3d, To insure domestic tranquillity; 4th, To provide for the common defence; 5th, To promote the general welfare; 6th, To insure the blessings of liberty to ourselves and our posterity.

The 5th object is the most important.



- 23.** By whom was the Constitution ordained and established?

The Constitution was ordained and established by the people of the United States.

The Art. of Conf. were instituted by the States.

- 24.** In whom does the Constitution vest the powers of government?

The Constitution vests the powers of government in three departments; the Legislative, the Executive, and the Judicial.

- 25.** What are the duties of each department?

The Legislative Department *makes* the laws; the Executive Department *enforces* them; the Judicial Department *interprets* them.

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## CHAPTER V.

### The Legislative Department.

#### ARTICLE I.—SECTION 1.

*“All legislative powers, herein granted, shall be vested in Congress of the United States, which shall consist of a Senate and House of Representatives.”*

- 26.** In whom is all Legislative Power vested?

All Legislative Power granted in the Constitution to the Government, is vested in a Congress of the United States.

The Constitution is the Supreme Law of our country. Laws made by Congress, or by the State Legislatures (General Assemblies) are called Statute Laws. The laws made by Congress bind all States. No State can nullify a law made by Congress. Any law made that conflicts with the Constitution, is unconstitutional, and is null and void.

- 27.** Of what is Congress composed?

Congress is composed of two branches, the Senate and the House of Representatives.

Senate—Upper House; House of Representatives—Lower House. Congress is composed of two branches, to prevent hasty and dishonest legislation; one House acts as a check on the other.

## CHAPTER VI.

### The House of Representatives.

#### ARTICLE I.—SECTION 2.

CLAUSE 1. *“The House of Representatives shall be composed of members chosen every second year by the people of the several States, and the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature.”*

28. By whom are the members of the House of Representatives elected?

The members of the House of Representatives are elected by the voters of the different States.

The Representatives represent the *people* of the United States, speaking, acting, and voting, for the people's interests.

29. What is the term of office?

Representatives are elected for a term of two years.

The election is held in the even-numbered years.

CLAUSE 2. *“No person shall be a Representative, who shall not have attained the age of twenty-five years, and been seven years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State in which he shall be chosen.”*

30. What are the qualifications needed to become a Representative?

To become a Representative a person must be twenty-five years old; be a citizen of the United States for seven years; and be an inhabitant of the State for which elected.

Custom has established the rule that a Representative of a district be an actual resident of that district.

CLAUSE 3. *“Representatives and direct taxes shall be apportioned among the several States which may be included within this Union,*

*according to their respective numbers, which shall be determined by adding to the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, three-fifths of all other persons. The actual enumeration shall be made within three years after the first meeting of the Congress of the United States, and within every subsequent term of ten years, in such manner as they shall by law direct. The number of Representatives shall not exceed one for every thirty thousand, but each State shall have at least one Representative; and until such enumeration shall be made, the State of New Hampshire shall be entitled to chose three, Massachusetts eight, Rhode Island and Providence Plantations one, Connecticut five, New York six, New Jersey four, Pennsylvania eight, Delaware one, Maryland six, Virginia ten, North Carolina five, South Carolina five, and Georgia three.*

**31.** How many Representatives has a State?

The number of Representatives a State is entitled to, depends upon its population.

**32.** What is done to apportion the Representation for each State?

To apportion the Representation for each State, the census of the United States is taken up every decade year.

**33.** To how many Representatives is a State entitled by the census of 1900?

By the census of 1900 a State is entitled to one Representative for every 194,182 inhabitants.

**34.** How is each State divided to elect its Representatives?

Each State is divided into as many Congressional Districts as it has Representatives in Congress. Each district elects its own Representative.

**35.** How many members has the House at present (1907)?

The House of Representatives now has 391 members.



A Territory has one delegate in the H. of Rep. who may speak on all questions relating to his Territory; but he may not vote.

N. B. For table of Representation see Appendix.

CLAUSE 4. "*When vacancies happen in the representation from any State, the executive authority thereof shall issue writs of election to fill such vacancies.*"

### 36. What is done when a vacancy occurs in the House?

When a vacancy occurs in the representation of a State, the Governor of that State orders an election to be held in the vacant district.

The voters of this district elect a person to complete the unexpired term.

CLAUSE 5. "*The House of Representatives shall choose their speaker, and other officers; and shall have the sole power of impeachment.*"

### 37. Who chooses the officers of the House?

The House of Representatives chooses its own Speaker, and the other officers needed.

The Speaker is a member of the House; the other officers are not; these officers are a Clerk, Sergeant-at-arms, Doorkeeper, Postmaster, and Chaplain.

The *Speaker* is the highest officer of the House. He represents the House on all official occasions, and ranks next to the Vice-President. He presides at the meetings of the House, and has the privilege of selecting all the committees of this body.

The *Clerk* writes up the membership roll, has charge of the bills brought before the House, keeps a record of the daily business, etc.

The *Sergeant-at-arms* is the police officer of the House.

The *Door-keeper* has charge of the Hall. He admits only such persons as have a right to enter. The galleries, designed for the use of visitors, are also under his charge.

The *Postmaster* attends to the special post-office of the House.

The *Chaplain* opens the daily sessions with prayer.

38. What sole power has this House?

The House of Representatives has the sole power of impeachment.

39. What do you mean by the term "to impeach"?

To impeach is, to accuse a civil officer of the United States of official misconduct.

These officers can be impeached for treason, bribery, or other high crimes and misdemeanors.

40. Who can be impeached?

The President, the Vice-President, and all civil officers of the United States can be impeached.

The Members of Congress are not considered civil officers. Military and Naval officers must be tried before a military court.

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## CHAPTER VII.

### The Senate of the United States.

#### ARTICLE I.—SECTION 3.

CLAUSE 1. *"The Senate of the United States shall be composed of two Senators from each State, chosen by the Legislature thereof, for six years; and each Senator shall have one vote."*

41. Of what is the Senate composed?

The Senate of the United States is composed of two Senators from each State.

The Senators represent the *State Governments*. At present (1907) there are 46 States, therefore, there are 92 members in the Senate.

42. By whom and for how long are the Senators elected?

The Senators are elected by their State Legislature for a term of six years.

CLAUSE 2. *"Immediately after they shall be assembled, in consequence of the first election, they shall be divided, as equally as may be,*

*into three classes. The seats of the Senators of the first class shall be vacated at the expiration of the second year; of the second class at the expiration of the fourth year; and of the third class, at the expiration of the sixth year; so that one-third may be chosen every second year; and if vacancies happen by resignation, or otherwise, during the recess of the legislature of any State, the executive thereof may make temporary appointments until the next meeting of the legislature, which shall then fill such vacancies."*

**\*43.** What proportion of the Senators is chosen every second year?

According to the provision made in the Constitution, one-third of the Senators is chosen every second year.

By this arrangement the Senate always has a considerable number of members who are well informed on the public affairs.

**44.** When a vacancy occurs in the Senate, how is it filled?

When a vacancy occurs in the Senate, the Governor of the respective State appoints a person to the position, until the State Legislature meets and elects a new Senator for the unexpired term.

**CLAUSE 3.** *"No person shall be a Senator who shall not have attained to the age of thirty years, and been nine years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State for which he shall be chosen."*

**45.** What qualifications are necessary to become a Senator?

To become a Senator a person must be thirty years old; be a citizen of the United States for nine years; and be an inhabitant of the State for which elected.

**CLAUSE 4.** *"The Vice-President of the United States shall be President of the Senate, but shall have no vote, unless they be equally divided."*

**46.** Who is the President of the Senate?

The Vice-President of the United States is the President of the Senate.



If it were not for this provision, the Vice-President would have no duties to perform, while the President continued in office.

**47.** Has the Vice-President a vote on questions before the Senate?

The Vice-President, not being a Senator, has no vote except when both sides are equally divided upon some question. His vote is then called the casting vote.

CLAUSE 5. "*The Senate shall choose their other officers, and also a President pro tempore, in the absence of the Vice-President, or when he shall exercise the office of President of the United States.*"

**48.** Who chooses the officers of the Senate?

The Senate chooses all its officers except its President. None of the officers is a member of the Senate.

**49.** If the Vice-President cannot attend a meeting of the Senate, what is done?

If the Vice-President is absent from a meeting of the Senate, the Senate chooses one of its members to fill his place until he returns.

If the Vice-President dies, resigns, or becomes President, the Senator elected to fill his place, becomes the permanent President of the Senate, but *not* Vice-President of the United States.

N. B. The term "pro tempore" signifies for the time being.

CLAUSE 6. "*The Senate shall have the sole power to try all impeachments. When sitting for that purpose, they shall be on oath or affirmation. When the President of the United States is tried, the Chief Justice shall preside; and no person shall be convicted without the concurrence of two-thirds of the members present.*"

**50.** What sole power has the Senate?

The Senate has the sole power *to try* all impeachments.

This judicial power is vested in the Senate, because the offense in question is more of a political than of a civil nature.

A case of impeachment is brought before the Senate by a committee from the House of Representatives. The Senate then resolves itself into a court. The President of the Senate represents the judge; the Senators, the jury. The trial is conducted similar to that in other courts.

During the trial the Senators are under oath or affirmation, to give their decision according to the evidence heard during the trial.

**\*51.** Who presides when the President of the United States is tried?

When the President of the United States is tried, the Chief Justice of the Supreme Court presides at the trial.

**52.** What is required to convict a person?

To convict, or find a person guilty, a vote of two-thirds of the Senators present is required.

CLAUSE 7. *"Judgment in cases of impeachment shall not extend further than to removal from office, and disqualification to hold and enjoy any office of honor, trust or profit under the United States; but the party convicted shall nevertheless be liable and subject to indictment, trial, judgment and punishment, according to law."*

**53.** If convicted, what punishment can the Senate inflict?

If a person is convicted, the Senate can only remove him from office, or disqualify him from holding any United States office in the future.

**54.** Is the person convicted liable to trial and punishment by law?

The person convicted is liable to trial and punishment by law, if the offense is one punishable by law.

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## CHAPTER VIII.

### Both Houses.

#### ARTICLE I.—SECTION 4.

CLAUSE 1. *"The times, places, and manner, of holding elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof, but the Congress may at any time, by law,*

*make or alter any regulations, except as to the places of choosing Senators."*

**\*55.** By whom are the times, places, and manner of holding elections for Senators and Representatives prescribed?

The times, places, and manner of holding elections for Senators and Representatives, are prescribed by each State Legislature; Congress, however, has power at any time, by law, to make or alter these regulations, except as to the place of choosing Senators.

The time for the election of Representatives has been prescribed by Congress to be the Tuesday next after the first Monday in November of the even numbered years.

CLAUSE 2. *"The Congress shall assemble at least once in every year, and such meeting shall be on the first Monday in December, unless they shall by law appoint a different day."*

**56.** How often and when must Congress meet?

Congress must assemble at least once a year. The meeting begins on the first Monday in December, unless Congress, by law, appoints another day.

Each Congress extends over two years, and has two regular sessions. The first session may extend over a whole year, but it must close in time for the second session to begin. The second session closes by noon on the 4th of March after its opening, because a new Congress then comes into power. The first session is called the long session, the second, the short session.

The daily sittings, or sessions, begin at twelve o'clock noon, unless the members change the hour. A session usually takes up from four to six hours. When very busy, it frequently happens that one or both Houses are in session until after midnight.

Special sessions of one or both Houses are convened by the President of the United States, when business occurs that requires immediate attention.

**57.** In what years is a new Congress organized?

A new Congress is organized every odd-numbered year.

## CHAPTER IX.

## The Houses Separately.

## ARTICLE I.—SECTION 5.

CLAUSE 1. *"Each House shall be the judge of the elections, returns, and qualifications of its own members, and a majority of each shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may be authorized to compel the attendance of absent members, in such manner, and under such penalties, as each House may provide."*

**\*58.** Who is the judge of the elections, returns, and qualifications of the members of each House?

Each House is the judge of the elections, returns, and qualifications of its own members.

Each Senator and Representative receives a certificate of his election (credentials) from the proper authorities of his State. If the validity of this certificate is questioned, a special committee is appointed in that House to examine into the matter and make a report. The person, however, is considered a member in good standing while the investigation is in progress.

**59.** What is a quorum?

A quorum is the number of members necessary to transact business.

**60.** What constitutes a quorum in either House?

A Majority in either House constitutes a quorum.

By a *majority* is meant more than half the members. Half or less constitutes a *minority*.

**\*61.** What two privileges has the Minority?

The Minority may adjourn from day to day, or it may compel the absent members to attend, in such a manner, and under such penalties, as each House provides.

CLAUSE 2. *"Each House may determine the rules of its proceedings, punish its members for disorderly behavior, and, with the concurrence of two-thirds, expel a member."*



- 62.** Who makes the rules for each House, and punishes the members for bad behavior?

Each House makes its own rules, and punishes its members for bad behavior.

- 63.** When can they expel a member?

If two-thirds of the members concur, they can expel a member.

CLAUSE 3. *"Each House shall keep a journal of its proceedings, and, from time to time, publish the same, excepting such parts as may, in their judgment, require secrecy; and the yeas and nays of the members of either House, on any question, shall, at the desire of one-fifth of those present, be entered on the journal."*

- \*64.** Must each House keep a journal of its proceedings?

Each House must keep a journal (record) of its proceedings, and publish it from time to time.

The Government has its own printing office. It is controlled by Congress.

An official newspaper, the "Congressional Record," is daily published by Congress. It contains an account of what occurred in Congress the day before.

- 65.** When must the vote on any question be taken by the yeas and nays?

If one-fifth of the members present desire it, the roll must be called, and the yeas and nays on any question must be recorded on the journal.

This privilege is often abused. Members opposed to the passage of a certain bill, demand the roll-call on trifling points; and, by this method, take up the time needed to pass such bill.

CLAUSE 4. *"Neither House, during the session of Congress, shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two Houses shall be sitting."*

- 66.** What restriction is there to adjournment?

Neither House, during the session of Congress, has the power to adjourn for more than three days without the consent of the other House.

The adjournment of Congress depends 1st, on constitutional limitation; (no Congress can extend beyond two years); 2d, on both Houses; 3d, on the President of the United States, when the two Houses cannot agree on the time of adjournment.

**67.** What restriction is there regarding the place of meeting?

Neither House has the right to meet at any other place than that in which both Houses are meeting.

The President is authorized by law to convene Congress at some other place than Washington if conditions arise that make such action necessary.

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## CHAPTER X.

### Compensation, Privileges, and Prohibitions on Members.

#### ARTICLE I.—SECTION 6.

CLAUSE 1. *"The Senators and Representatives shall receive a compensation for their services, to be ascertained by law, and paid out of the Treasury of the United States. They shall, in all cases except treason, felony, and breach of the peace, be privileged from arrest during their attendance at the session of their respective Houses, and in going to, and returning from, the same; and for any speech or debate in either House, they shall not be questioned in any other place."*

**\*68.** What is the salary of Senators and Representatives?

The salary of Senators and Representatives is \$7,500 a year, and 20c mileage going and coming, on business, to and from Washington, D. C.

Each member is also allowed \$125 per year for stationery.

**\*69.** How is the salary fixed and paid?

The salary is fixed by law, and is paid out of the Treasury of the United States.

- \*70.** What privilege of freedom from arrest have Senators and Representatives?

Senators and Representatives cannot be arrested during a session of their House, nor in going to or returning from the same, except for crime.

Treason, felony, and breach of the peace are criminal offenses.

- \*71.** What freedom of speech do they enjoy?

Senators and Representatives may express their opinion on any question before their House, and they cannot be legally called to account for doing so, at any other place.

If a member abuses this privilege by using offensive or insulting language, the members of his House can compel him to apologize, or even expel him.

CLAUSE 2. *"No Senator or Representative shall, during the time for which he was elected, be appointed to any civil office under the authority of the United States, which shall have been created, or the emoluments whereof shall have been increased, during such time; and no person, holding any office under the United States, shall be a member of either House during his continuance in office."*

- \*72.** Is a Senator or Representative eligible to a civil office of the United States during his term as member of Congress?

A Senator or Representative is not eligible to a civil office of the United States, *unless* he resign his seat in Congress; but this office must not have been created, or the salary of same must not have been increased, during his term as a member of either House.

- \*73.** Can a person, holding a civil office under the United States, become a member of either House of Congress?

No person holding a civil office under the United States, can become a member of either House of Congress, while holding said office.

## CHAPTER XI.

## Manner of Passing Laws.

## ARTICLE I.—SECTION 7.

## 74. What is a bill?

A bill is a sketch of a proposed law.

CLAUSE 1. *"All bills for raising revenue shall originate in the House of Representatives; but the Senate may propose or concur with amendments, as on other bills."*

## 75. Where may bills originate?

All bills, excepting revenue bills, may originate in either House of Congress.

A bill is introduced by a member of either House. The presiding officer of that House refers it to the proper committee. The committee considers the bill and reports on it. If the report is favorable, the bill is ordered to be printed and is then distributed among the members.

Every bill is read before the house at three different times. After the second reading, it is debated and may be amended. After the third reading, it is voted on. If the majority votes for it, it has passed that House; if not, it is lost. If it passed, it is forwarded to the other House, where it passes through the same process. If it passes in that House, it is returned to the House where it originated. It is then written on parchment and forwarded to the President of the United States for his signature.

## 76. Where must all Revenue Bills originate?

All Revenue Bills must originate in the House of Representatives; the Senate, however, may propose or concur with amendments, as on other bills.

Revenue is money collected by the government for its support. Revenue Bills must originate in the House of Representatives, because "Taxation without Representation" is against American principles.



CLAUSE 2. *"Every bill which shall have passed the House of Representatives and the Senate, shall, before it becomes a law, be presented to the President of the United States; if he approve, he shall sign it, but if not, he shall return it, with his objections, to that House in which it shall have originated, who shall enter the objections at large on their journal, and proceed to reconsider it. If, after such reconsideration, two-thirds of that House shall agree to pass the bill, it shall be sent, together with the objections, to the other House, by which it shall likewise be reconsidered, and, if approved by two-thirds of that House, it shall become a law. But in all such cases the votes of both Houses shall be determined by yeas and nays, and the names of the persons voting for and against the bill, shall be entered on the journal of each House, respectively. If any bill shall not be returned by the President within ten days (Sundays excepted) after it shall have been presented to him, the same shall be a law in like manner as if he had signed it, unless the Congress, by their adjournment, prevent its return, in which case it shall not be a law."*

77. In how many ways does a bill become a law?

A bill becomes a law in three ways: 1st, By the President signing it; 2d, Over his veto; 3d, By non-return in ten days, Sundays excepted.

FIRST WAY. The bill passes both Houses, is presented to the President, and he signs it.

SECOND WAY. The bill passes both Houses, is presented to the President, and he vetoes it; that is, he refuses to sign it, because, in his opinion, the bill is unwise or unconstitutional. He must then return the bill to the House where it originated, giving his objections (reasons) for vetoing it. These objections are then entered upon the journal of that House. The bill is then reconsidered, and the vote is taken by roll-call, the yeas and nays being entered upon the journal. If two-thirds of the members vote in favor of the bill, the bill and the President's objections are forwarded to the other House. Here it is subjected to the same process. If the bill passes both Houses, it is a law. This is called "Passing a Law over the President's head."

THIRD WAY. The bill passes both Houses, and is presented to the President. He does not sign or return it within ten days, Sundays excepted. It then becomes a law at the end of ten days, unless Congress, by adjourning, prevents its return.

CLAUSE 3. *"Every order, resolution, or vote, to which the concurrence of the Senate and House of Representatives may be necessary (except on a question of adjournment), shall be presented to the President of the United States; and before the same shall take effect, shall be approved by him, or, being disapproved by him, shall be repassed by two-thirds of the Senate and House of Representatives, according to the rules and limitations prescribed in the case of a bill."*

**\*78.** What must be done with every order, resolution, or vote, to which the consent of both Houses is necessary?

Every order, resolution, or vote, to which the concurrence of both Houses is necessary, adjournment excepted, must be treated just like a bill, before it becomes effective.

This provision was made to prevent Congress from passing a law without the President's signature, by introducing the proposed law in some other form than that of a bill.

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## CHAPTER XII.

### The Law-making Powers of Congress.

#### ARTICLE I.—SECTION 8.

**79.** What law-making power has Congress?

Congress has the power to enact all necessary laws for the support of the Government, for the payment of its debts, for the common defense, and for the general welfare of the people.

CLAUSE 1. Congress shall have power;

*"To lay and collect taxes, duties, imposts, and excises, to pay the debts and provide for the common defense and general welfare of the United States; but all duties, imposts, and excises shall be uniform throughout the United States."*

Taxes are of two kinds, direct and indirect. Direct taxes are taxes upon a person, or upon property. An indirect tax is a tax upon the consumption of certain articles. Indirect taxes are levied

upon imports, exports, and manufactures. Imposts are taxes upon imported goods. Duties and Customs are taxes upon goods imported, or exported. Excises are taxes upon goods manufactured in the country.

CLAUSE 2. Congress shall have power;

*"To borrow money on the credit of the United States."*

It is necessary for Congress to have this power, so that the Government may be able to raise the money needed during war-time, or in case of some great public calamity. When the United States borrow money, the credit of the whole country is pledged for its payment.

CLAUSE 3. Congress shall have power;

*"To regulate commerce with foreign nations, and among the several States, and with the Indian tribes."*

Regulating commerce is making the laws by which commerce is governed. Commerce consists in the interchange of commodities.

CLAUSE 4. Congress shall have power;

*"To establish a uniform rule of naturalization, and uniform laws on the subject of bankruptcies, throughout the United States."*

By naturalization is meant the legal process by which an alien, or foreigner, is granted the right of citizenship. In our country this gives such a person all the rights of a native-born citizen, except eligibility to the offices of President and Vice-President.

No alien can be compelled to become a citizen. If he desires to become a citizen of the United States, he must have lived five years within the United States and be able to speak the English language.

The process of naturalization under the present law, signed by the President of the United States on June 29, 1906, is as follows:

An alien must make oath or affirmation before the clerk of an authorized court, that he desires to become a citizen of the United States, and he must renounce all allegiance to any foreign government. This declaration of intention must be made after he is eighteen years old, and at least two years before the final step is taken. He is then given his first papers, which contain his declaration of intention, his name, age, occupation, personal description, birth-place, his place of residence in his fatherland, date of arrival, name of ship on which he arrived, and his present dwelling place.

When the required time has expired, and he can speak the English language, he must prove in open court that he has resided continuously within the United States for five years, and within the State or territory where the court is held, for at least one year. He must make oath or affirmation to support the Constitution of the United States, and absolutely renounce all allegiance and fealty to all foreign governments. He is then given his citizenship-papers, which must have the written signature of the presiding judge.

The bankrupt law provides for the division of the property of an insolvent debtor among his creditors. It also frees him from any LEGAL obligation to pay the debts, which are not settled by this method. (He is, however, bound in conscience to pay these debts, if he can do so later on). The present bankrupt law was passed in 1898.



CLAUSE 5. Congress shall have power;

*"To coin money, regulate the value thereof, and of foreign coin, and fix the standard of weights and measures."*

If each State were permitted to issue money and regulate the value thereof, the result would be endless confusion. The same also applies to weights and measures. We now have uniform money, weights, and measures, throughout the United States.

CLAUSE 6. Congress shall have power;

*"To provide for the punishment of counterfeiting the securities and current coin of the United States."*

Counterfeiting consists in imitating the securities (bonds) of the United and in making false money.

CLAUSE 7.—Congress shall have power;

*"To establish post offices and post roads."*

If each State were permitted to regulate its own postal system, great confusion and delay would arise in the transmission of the mail; and the result would be great injury to private business and public interests.

CLAUSE 8. Congress shall have power;

*"To promote the progress of science and useful arts, by securing, for limited times, to authors and inventors, the exclusive right to their respective writings and discoveries."*

An author can secure the exclusive right to publish his writings for 28 years, and afterward renew the same for 14 years more, by the copyright laws. The cost of a copyright is about six dollars.

An inventor can secure the exclusive right to manufacture and sell his invention for 14 years, by the patent right laws. A patent-right costs from fifty to seventy dollars.

CLAUSE 9. Congress shall have power;

*"To constitute tribunals inferior to the Supreme Court."*

N. B. Refer to Judicial Department.

CLAUSE 10. Congress shall have power;

*"To define and punish piracies and felonies committed on the high seas, and offenses against the laws of nations."*

Piracy is robbery on the sea. Felony is murder, arson, burglary, etc. Piracy and felony are punishable by death. Congress is given the power to punish offenses against the laws of nations, because foreign nations hold our Government responsible for offenses committed by our citizens against their laws.

CLAUSE 11. Congress shall have power;

*"To declare war, grant letters of marque and reprisal, and make rules concerning captures on land and water."*

A letter of marque and reprisal is a permit given to private persons to capture the property of citizens at war with another country. Persons commissioned to do this are called Privateers. These commissions are usually issued in war-time.

CLAUSE 12. Congress shall have power;

*"To raise and support armies; but no appropriation of money to that use shall be for a longer term than two years."*

This clause gives Congress the power to raise and support armies when they are needed. The appropriation is limited to two years, to prevent Congress from creating a standing army in time of peace, without the consent of the people.

CLAUSE 13. Congress shall have power;

*"To provide and maintain a navy."*

See Clause 11.

CLAUSE 14. Congress shall have power;

*"To make rules for the government and regulation of the land and naval forces."*

CLAUSE 15. Congress shall have power;

*"To provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions."*

CLAUSE 16. Congress shall have power;

*"To provide for organizing, arming, and disciplining the militia, and for governing such parts of them as may be employed in the service of the United States, reserving to the States respectively, the appointment of the officers, and the authority of training the militia, according to the discipline prescribed by Congress."*

The militia consists of all able-bodied males of the United States, between the ages of eighteen and forty-five years, who are citizens of the United States or who have declared their intention to become citizens.

That part of the militia permanently organized into regiments in the different States, is called the National Guard. It belongs to the State, and its commander-in-chief is the Governor of that State; but it may be mustered into the service of the Union for the same purposes as the unorganized militia, in case of insurrection or invasion.

When such emergency arises, the President of the United States issues a call to the governors of the States; and they must then furnish the troops required.

Clause 16 explains what powers Congress and the State Governments have respecting the militia. In order to secure uniformity of action in case of actual service of the militia, Congress is given the power to prescribe the rules of discipline.

CLAUSE 17. Congress shall have power;

*"To exercise exclusive legislation in all cases whatsoever, over such district (not exceeding ten miles square), as may, by session of particular States, and the acceptance of Congress, become the seat of the Government of the United States, and to exercise like authority over all places purchased by the consent of the legislature of the State in which the same shall be, for the erection of forts, magazines, arsenals, dockyards, and other needful buildings."*

This clause gives Congress the exclusive jurisdiction over the District of Columbia, and also over all places purchased by consent of the State Legislature in any State, for the erection of forts, magazines, arsenals, dockyards, and other needful buildings.

CLAUSE 18. Congress shall have power;

*"To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all the powers vested by the Constitution in the Government of the United States, or in any department or officer thereof."*

This clause gives Congress the power to enact all the laws necessary for carrying into execution all the powers vested by the Constitution in the National Government.

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## CHAPTER XIII.

### Powers Denied to the United States.

#### ARTICLE I.—SECTION 9.

CLAUSE 1. *"The migration or importation of such persons, as any of the States now existing, shall think proper to admit, shall not be prohibited by the Congress, prior to the year one thousand eight hundred and eight; but a tax or duty may be imposed on such importation, not exceeding ten dollars for each person."*

\*80. What prohibition, regarding the importation of slaves, was put on Congress?

Congress was denied the power to prohibit the importation of slaves before the year 1808.

The law, prohibiting the importation of slaves, took effect January 1, 1808; but it did not wholly stop the traffic. In 1820 Congress declared the importation of slaves to be piracy, punishable by death. This was effective.



CLAUSE 2. "*The privilege of the writ of habeas corpus shall not be suspended unless when, in cases of rebellion or invasion, the public safety may require it.*"

The object of this clause is to prevent illegal imprisonment.

81. May Congress suspend the privilege of the writ of *habeas corpus*?

Congress may not suspend the privilege of the writ of *habeas corpus*, unless the public safety requires it in cases of rebellion or invasion.

The writ of *habeas corpus* gives a person who believes himself innocently imprisoned, or confined, the right to ask to be brought into open court that the cause of his imprisonment be examined into; and he be given his freedom, if unjustly imprisoned.

CLAUSE 3. "*No bill of attainder, or ex post facto law, shall be passed.*"

\*82. May Congress pass a bill of attainder, or an *ex post facto law*?

Congress may not pass a bill of attainder, or an *ex post facto law*.

A bill of attainder is a bill passed by a legislature, convicting and punishing a person for a crime, without giving him a regular trial.

An *ex post facto law* is a law made after a deed is done against which no law exists. It declares the deed to have been a crime, and assumes the power to punish the person who committed it.

CLAUSE 4. "*No capitation or other direct tax shall be laid, unless in proportion to the census of enumeration, herein before directed to be taken.*"

\*83. What restriction is there upon Congress regarding capitation or other direct tax?

Congress may not levy a capitation or other direct tax upon a certain portion or portions of the country.

A capitation or poll tax is a direct tax levied upon a person; other direct taxes are levied upon property—be it movable or immovable.

CLAUSE 5. *"No tax or duty shall be laid on articles exported from any State. No preference shall be given by any regulation of commerce or revenue, to the ports of one State over those of another; nor shall vessels bound to, or from, one State, be obliged to enter clear, or pay duties, in another."*

**\*84.** What restriction is there to tax or duty on exports?

Congress may not lay a tax or duty on articles exported from any State, because such a tax would be injurious to the interests of that State.

**\*85.** May Congress give preference to the ports of one State over those of another?

Congress may not give preference by any regulation of commerce or revenue, to the ports of one State over those of another.

**\*86.** May Congress oblige a vessel, sailing from any State-port, to enter, clear, or pay duties in another port?

Congress may not oblige any vessel, sailing from any State-port, to enter, clear, or pay duties, in another port.

CLAUSE 6. *"No money shall be drawn from the treasury, but in consequence of appropriations made by law; and a regular statement and account of all the receipts and expenditures of all public money shall be published, from time to time."*

**87.** State briefly the only way money may be drawn from the Treasury of the United States?

No money may be drawn from the Treasury of the United States without the consent of Congress. Congress must make an appropriation for each case. It must pass an act providing that a specified sum of money in the Treasury is to be paid for a specified purpose.

This provision gives the control of the public money to the representatives of the people. To prevent Congress from being wasteful and extravagant with the people's money, a full statement and account of all receipts and expenditures must be published from time to time.

CLAUSE 7. "*No title of nobility shall be granted by the United States: And no person, holding any office of profit or trust under them, shall, without the consent of Congress, accept of any present, emolument, office, or title, of any kind whatever, from any king, prince, or foreign state.*"

**\*88.** May Congress confer a title of nobility?

Congress may not confer a title of nobility on any person, because the Constitution guarantees equal rights to all.

No officer of the United States is permitted to accept any present, emolument, office, or title, from any foreign power, without the consent of Congress.

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## CHAPTER XIV.

### Powers Denied to the States.

#### ARTICLE I.—SECTION 10.

CLAUSE 1. "*No State shall enter into any treaty, alliance, or confederation; grant letters of marque and reprisal; coin money; emit bills of credit; make anything but gold and silver coin a tender in payment of debts, pass any bill of attainder, ex post facto law, or law impairing the obligation of contracts, or grant any title of nobility.*"

**\*89.** May a State enter into any treaty, alliance, or confederation, with foreign nations?

No state may enter into any treaty, alliance, or confederation, with foreign nations. This privilege belongs only to the National Government.

**\*90.** May a State grant letters of marque and reprisal?

No State may grant letters of marque and reprisal, because this privilege might plunge our Government into a war with foreign countries.

**91.** May a State coin money, emit bills of credit, or make anything but gold and silver a legal tender?

A State may not coin money, emit bills of credit, or make anything but gold and silver a legal tender in payment of a debt.

If the States were permitted to coin money, and issue bills of credit (paper money), the result would be hopeless confusion and great annoyance. We now have a simple, uniform, and safe money system.

A legal tender is anything which, when offered in payment of a debt, the creditor must accept, or lose his claim to interest.

**\*92.** Is a State permitted to pass a bill of attainder, an *ex post facto* law, or confer a title of nobility?

A State is not permitted to pass a bill of attainder, an *ex post facto* law, or confer a title of nobility, for the same reasons for which Congress is denied these powers.

**\*93.** May a State make a law impairing the binding force of an agreement, or contract, which has been legally made?

A State may not make a law that impairs the binding force of an agreement, or a contract, that has been legally made.

A State may pass laws regulating the operation of contracts to be made in the future.

CLAUSE 2. "No State shall, without the consent of the Congress, lay any imposts or duties on imports or exports, except what may be absolutely necessary for executing its inspection laws; and the net pro-



*duce of all duties and imposts, laid by any State on imports or exports, shall be for the use of the treasury of the United States; and all such laws shall be subject to the revision and control of the Congress."*

**\*94.** May a State lay imposts or duties on imports or exports?

A State may not lay imposts or duties on imports or exports, without the consent of Congress, because Congress has the sole power to regulate commerce. A State may, however, lay such duties upon articles as are absolutely necessary to carry out its inspection laws.

**95.** What are inspection laws?

Inspection laws are laws made for the purpose of examining different food products, in order to ascertain their quality and fitness for public use.

These laws are made to urge the producers to improve the quality of food articles, and for the protection of the buyer.

**\*96.** May a State make any inspection laws it pleases?

A State may not make any inspection laws it pleases. All such laws passed are subject to the revision and control of Congress.

**\*97.** What must be done with the net proceeds arising under the inspection laws?

The net proceeds, arising under the inspection laws, must be paid into the Treasury of the United States.

**CLAUSE 3.** *"No State shall, without the consent of Congress, lay any duty of tonnage, keep troops, or ships of war in time of peace, enter into any agreement or compact with another State, or with a foreign power, or engage in war, unless actually invaded, or in such imminent danger as will not admit of delay."*

- \*98.** Is a State permitted to keep troops or ships of war in time of peace?

A State is not permitted, without the consent of Congress, to keep troops or ships of war in time of peace, because this privilege would endanger the public safety.

- \*99.** May a State enter into an agreement or compact with another State, or with a foreign power?

A State may not enter into any agreement or compact with another State, or with a foreign power, because such action would endanger the safety of the Union.

- \*100.** May a State engage in war?

A State may not engage in war unless actually invaded, or in such imminent danger as will not admit of delay.



## PART III.

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### THE EXECUTIVE DEPARTMENT.

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#### CHAPTER XV.

##### President and Vice-President.

###### ARTICLE II.—SECTION 1.

CLAUSE 1. *“The Executive power shall be vested in a President of the United States of America. He shall hold his office during the term of four years, and together with the Vice-President, chosen for the same term, be elected as follows:”*

**101.** In whom is the Executive power of the United States vested?

The Executive power of the United States is vested in one person, called the President. He is personally responsible for the proper enforcement of this power.

The President, however, cannot attend to all the detail work of this department; therefore, the work is divided among nine subordinate departments. They are the Department of State, of the Treasury, of War, of Justice, the Post Office Department, the Department of the Navy, of the Interior, of Agriculture, and of Commerce and Labor. At the head of each department there is an official, who is appointed by the President, and is responsible to him for his department. These officials, form the President's Cabinet, and act as his advisers upon government matters. The salary of a cabinet officer is \$8,000 a year.

**BRIEF SKETCH OF THE DEPARTMENTS.****Department of State.**

This department is the most important. Through it, all our business with foreign countries is transacted. The chief officer is the Secretary of State, who is assisted by assistant secretaries, ministers, consuls, etc. This Secretary is the custodian of the great seal of the United States; and, by order of the President, he affixes it to all official papers. He also has charge of the government archives, where the original copies of laws, treaties, etc., are kept. There are five bureaus in the department: Diplomatic, Consular, the Bureaus of Indexes and Archives, of Accounts, and of Rolls and Library.

**Department of the Treasury.**

This department ranks second in importance. The Secretary of the Treasury is at its head. He is assisted by subordinate secretaries, clerks, and thousands of employees. The work is subdivided among many bureaus.

Six Bureaus of Auditors examine and settle all accounts.

The Comptroller of the Treasury revises the accounts of the auditors, prescribes the forms of keeping the public accounts, and directs the recovery of debts due to the United States. He is also in charge of the National Bank System, which is considered the most perfect system of finance in the world.

The Treasurer of the United States has charge of the nation's money and pays it out when directed to do so by Congress. The money is deposited in the United States Treasury at Washington, D. C., and in the Sub-treasuries at Boston, New York, Philadelphia, Baltimore, Cincinnati, Chicago, St. Louis, New Orleans, and San Francisco.



About 200 National Banks have been designated as public depositories.

The Commissioner of Customs attends to the collection of the duties on all imports.

The Commissioner of Internal Revenue attends to the collection of the revenue on domestic manufactures and on certain kinds of business.

The Register of the Treasury issues and signs all the bonds of the United States, and directs the transfer of money from the Treasury to the Sub-treasuries and to the National Banks.

The Comptroller of the Currency attends to the making of the paper money. The paper on which the bills are printed, is made by a secret process. While the bills are printed, they are counted and recounted many times, to make sure that none have been lost or stolen.

The Bureau of Engraving and Printing employs about 1600 people. An enormous amount of work is annually performed by this bureau. Here are done the engraving of the plates and the printing of United States notes, bonds, revenue stamps, postage stamps, and postal cards.

The Director of the Mint attends to the making of all coin money. Every coin struck, is watched with the greatest care. The principal mint is located at Philadelphia. There are branch mints at New Orleans, San Francisco, Carson City, and Denver.

The Solicitor of the Treasury attends to all the legal business of the department. When the Government prosecutes any person for counterfeiting its securities, transgressing its revenue laws, or for any crime against its financial interests, he conducts the suit.

The Supervising Surgeon General is in charge of the twenty-two marine hospitals in which our sick sailors are cared for. He also directs the laboratories for the inves-

tigation of the causes of contagious diseases, and superintends the quarantine service of the United States.

The Supervising Architect drafts the plans for the government buildings, and oversees their construction.

The Life Saving Service, under a General Superintendent, is one of the most worthy and important branches of this department. It was established in 1848 for the purpose of assisting vessels and sailors in peril. There are about 275 stations along the danger points on the coasts of the Great Lakes and the Atlantic and Pacific Oceans. These stations are equipped with life-boats and other apparatus needed for rescue-work. Over 2000 men find employment in this branch.

### **The Department of War.**

This department is in charge of the military affairs of the government. At its head is the Secretary of War, who represents the President in his capacity as commander-in-chief of the army.

This Secretary has many duties to perform. He makes all estimates of appropriations for the expenses of this department, for the buying of the supplies for the army, and for its transportation. He oversees all river and harbor improvements, and the removal of obstructions to navigation. The Military Academy at West Point, N. Y., and the National cemeteries are also under his care.

The work of the department is subdivided among different bureaus, headed by army officers.

The Adjutant General attends to the enlisting and discharging of the soldiers. He issues the orders for the muster of the troops and their movement. He does the corresponding for the department, and also keeps the records.

The Quartermaster General provides for the transportation, equipping, and clothing of the troops.

The Commissary General issues the orders for the food supplies.

The Surgeon General looks after the medical wants of the soldiers.

The Chief of Ordnance supplies the arms. Most of the arms for the army are manufactured in the United States arsenals. The arsenals at Springfield, Mass., and Rock Island, Ill., furnish rifles and carbines; the arsenal at West Troy, N. Y., cannon and mortars.

The Inspector General examines the places where our troops are stationed, all public works executed by army officers, and also the Military Academy and the government prisons; and makes out reports on the results of the investigations.

The Chief of Engineers is in charge of the Corps of Engineers whose duties are to locate and erect fortifications, military bridges, etc., and to execute the government work for the improvement of harbors and navigable streams.

The Paymaster General settles all the bills of the department.

The Judge Advocate General has charge of all legal matters pertaining to this department. He also reviews and records the proceedings of all courts-martial and courts of inquiry.

The Signal Service, under the supervision of the Chief Signal Officer, originates all signals for the military service, when information must be conveyed beyond the reach of the human voice. In the day time flags are used to make the signals; at night, torches, rockets, flash-lights, and other devices are used in their stead.

The Military Academy, at West Point, N. Y., founded in 1802, is in charge of this department. Here young men are trained as army officers, at the expense of the govern-

ment. To become a cadet at the Academy, one must be between seventeen and twenty-two years old, be properly recommended, appointed by the President, pass the required examination in the English branches, and be sound in body and mind. The course of study covers four years, and the discipline is severe. Each cadet receives \$540 a year while studying.

### **The Department of the Navy.**

This department is in charge of the naval affairs of the government. The Secretary of the Navy is at its head. His duties are to look after the building, manning, arming, equipping, and employment of all war vessels of the Union. The work is divided among bureaus, the chiefs of which are officers of the United States Navy.

The bureaus are: the Bureau of Navigation, of Docks and Yards, of Ordnance, of Construction and Repairs, of Navigation, of Steam-engineering, of Provisions and Clothing, of Medicine and Surgery, and of Equipment and Recruiting.

This department also has control of the Naval Observatory at Washington, D. C., the Nautical Almanac, the Hydrographic Office, etc.

The Naval Academy, at Annapolis, Md., founded in 1846, belongs to this department. It is a school for the training of sailors for our war-ships. To be admitted a boy must be between fifteen and twenty years of age. He must be properly recommended, pass the required examination, be sound in body and mind, and be appointed by the President. The course of study covers six years. Each cadet receives \$500 a year.

### **The Department of Justice.**

The Attorney General is at the head of this department. He is the chief lawyer of the Government, and is the legal adviser of the President and his Cabinet. He personally



represents the United States in all cases it may have in the Supreme Court of the United States and in the Court of Claims.

The United States district attorneys and marshals, scattered throughout the Union, are under his supervision.

### **The Post-Office Department.**

This department is in charge of the Postmaster General. He has the supervision of the entire mail-service of the United States, at home and abroad. He establishes post-offices, makes postal treaties, awards the contracts for carrying the mail, determines the styles of stamps, postal-cards, etc. He also appoints the postmasters whose salary is less than \$1,000 a year, the President appointing the others.

There are four bureaus in this department. Each is in charge of an Assistant Postmaster General. The first Assistant directs the management of the post-offices with their clerks and carriers. The second Assistant attends to the transportation of the mail. The third Assistant supplies the stamps and postal-cards, and has charge of the finances. The fourth Assistant looks after the appointment of almost 73,000 postmasters, and also directs the inspectors.

### **The Department of the Interior.**

This department is under the supervision of the Secretary of the Interior. The department embraces the Bureau of Public Lands, Bureau of Railroads, the Patent Office, the Pension Office, the Bureau of Education, the Bureau of Indian Affairs, the Geological Survey, and the Bureau of Public Documents.

### **The Department of Agriculture.**

It is the duty of this department to secure and diffuse among the people all useful knowledge on subjects pertaining to agriculture; and also to procure, propagate, and distribute among them "new and valuable" seeds and plants. The chief of the department is the Secretary of Agriculture. The work is divided among bureaus and divisions.

The Bureau of Animal Industry inspects the meat products that are exported to European countries. An inspection is also provided for animals on the hoof intended for exportation, and for animals imported. Much care is also given to the study of the diseases of animals.

The Division of Vegetable Physiology is engaged in the study of diseases affecting trees; and that of Entomology, in the study of injurious insects.

The Division of Biological Survey studies the geological distribution of animals and plants, and the food habits of birds.

The Division of Seeds expends over \$100,000 every year in the purchase of rare and valuable seeds, bulbs, and plants. These are distributed throughout the country, free of charge.

The Office of Public Road Inquiries is engaged in the study of the best systems of road-making and the best materials to be used for that purpose.

The Divisions of Botany, and of Gardens and Grounds also belong to this department.

The Weather Bureau, or Meteorological Bureau, forms a part of this department. The observation stations, belonging to this bureau, are scattered throughout the country. At each station careful observations of the weather are made and reported, by telegraph, to the central office at Washington. From these reports the weather-

forecasts, printed in the daily papers, displayed in the store-windows, etc., are made. The people are thus warned of the approach of destructive storms, frosts, and floods.

In 1901 Congress changed the Divisions of Forestry, of Chemistry, and of Soils into bureaus, and also formed a Bureau of Plant Industry.

### **The Department of Commerce and Labor.**

This is a new department and will soon be one of the most important. At its head is a Secretary. Only two new bureaus have been created for this department, the others were transferred from other departments. The new bureaus are the Bureau of Corporations and the Bureau of Manufactures.

The Commissioner of Corporations is expected to study the organization and business methods of corporations and other companies engaged in interstate commerce, and to see that the anti-trust laws, made by Congress, are enforced.

The Commissioner of Manufactures has many duties which are defined by the law thus: "*To foster, promote and develop the various manufacturing industries of the United States and markets for the same at home and abroad by gathering, compiling, publishing, and supplying all available and useful information concerning such industries and such markets, and by such other methods and means as may be prescribed by the Secretary or provided by law.*"

The bureaus that have been transferred to this department are: The Bureau of Statistics; Census and Immigration Bureaus; Bureau of Foreign Commerce of the State Department; the Bureau of Standards of Weights and Measures; Bureau of Navigation and the Shipping Commissioners; Fish Commission; Coast and Geodetic Survey; and the Lighthouse Board.

**102.** For how long is the President elected?

The President, along with the Vice-President, is elected for a term of four years.

The Constitution does not limit the number of terms a person may serve as President; however, custom has established the rule that he serve no more than two terms.

**CLAUSE 2.** *"Each State shall appoint, in such manner as the Legislature thereof may direct, a number of Electors, equal to the whole number of Senators and Representatives to which the State may be entitled in the Congress; but no Senator or Representative, or person holding any office of trust or profit under the United States, shall be appointed an Elector."*

**103.** By whom are the President and Vice-President elected?

The President and the Vice-President are elected by Electors from each State.

Members of Congress, and persons holding any office of trust or profit under the United States, can not be appointed Electors.

**\*104.** Who are Electors?

Electors are men selected in each State by each political party, to choose the President and Vice-President for them.

The names of the Electors are printed under each party's name on the official ballot for the so-called "Presidential Election." When the voter casts this ballot, he votes for the Electors of his party, not for the President.

**105.** To how many Electors is a State entitled?

A State is entitled to as many Electors as it has Senators and Representatives in Congress.

The whole body of Electors is called the Electoral College.

**\*106.** What day is fixed by Congress for the election of these Electors?

The day, fixed by Congress for the election of the Presidential Electors, is the first Tuesday after the first Monday in November of every fourth year.



The political party having the majority of the votes cast, is entitled to the Electoral Vote of that State.

N. B. Clause 3. has been repealed, Article XII. of the Amendments taking its place.

#### AMENDMENT, ARTICLE XII.

CLAUSE 1. *"The Electors shall meet in their respective States, and vote by ballot for President and Vice-President, one of whom, at least, shall not be an inhabitant of the same State with themselves; they shall name in their ballots the person voted for as President, and in distinct ballots the person voted for as Vice-President; and they shall make distinct lists of all persons voted for as President, and of all persons voted for as Vice-President, and of the number of votes for each, which lists they shall sign and certify, and transmit sealed to the seat of the government of the United States, directed to the President of the Senate. The President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted. The person having the greater number of votes for President shall be the President, if such number be a majority of the whole number of Electors appointed; and if no person have such majority, then, from the persons having the highest numbers, not exceeding three, on the list of those voted for as President, the House of Representatives shall choose immediately, by ballot, the President. But in choosing the President, the votes shall be taken by States, the representation from each State having one vote; a quorum for this purpose shall consist of a member or members from two-thirds of the States, and a majority of all the States shall be necessary to a choice. And if the House of Representatives shall not choose a President, whenever the right to choose shall devolve upon them, before the fourth day of March next following, then the Vice-President shall act as President, as in case of the death, or other constitutional disability of the President."*

CLAUSE 2. *"The person having the greatest number of votes as Vice-President shall be the Vice-President, if such number be a majority of the whole number of Electors appointed; and if no person have a majority, then, from the two highest numbers on the list, the Senate shall choose the Vice-President; a quorum for the purpose shall consist of two-thirds of the whole number of Senators; a majority of the whole number shall be necessary to a choice."*

CLAUSE 3. "*But no person constitutionally ineligible to the office of President, shall be eligible to that of Vice-President of the United States.*"

107. How many methods of electing the President are there?

There are two methods provided for the election of the President; 1st, by Electors chosen for this purpose; 2d, if this method fail, by the House of Representatives.

The Electors meet in their respective States on the second Monday in January, usually at the State Capital. They cast a ballot for President and another for Vice-President. The ballots are counted, and three separate lists are made of all the candidates voted for as President and Vice-President, with the number of votes each received. These lists are signed, certified, and sealed by the Electors. Two of the lists are forwarded to the President of the Senate, one by mail, the other by a special messenger. The third list is deposited with the United States District Court Judge of the district. It is sent for if the other lists fail to reach their destination by the fourth Monday in January.

The Electoral Vote is counted on the second Wednesday of February at a joint meeting of both Houses of Congress. The President of the Senate opens all the certificates, and the votes are counted by tellers. The candidate having the majority of all votes for President, is declared elected President; the one having a majority of all the votes for Vice-President, is declared elected Vice-President.

If no candidate have a majority of the votes for President, the House of Representatives chooses the President, by ballot from the three candidates having the highest vote. At least two-thirds of all the Representatives must be present; each State has one vote, and a majority of the States is necessary for a choice.

If the Representatives fail to choose a President by the following fourth of March, the person elected Vice-President, becomes President.

*Vice-President.* If none of the candidates for Vice-President receives a majority of the Electoral Vote, the Senate chooses him from the two candidates highest on the list. Two-thirds of all Senators must be present, and each one has a vote. A majority of all Senators is necessary for a choice.

CLAUSE 4. *"The Congress may determine the time of choosing the Electors, and the day on which they shall give their votes; which day shall be the same throughout the United States."*

Refer to questions 106 and 107.

CLAUSE 5. *"No person, except a natural-born citizen, or a citizen of the United States at the time of the adoption of this Constitution, shall be eligible to the office of President; neither shall any person be eligible to that office who shall not have attained to the age of thirty-five years, and been fourteen years a resident within the United States."*

**108.** What are the qualifications for President, and Vice-President?

To become President, or Vice-President, a person must be a native-born citizen of the United States; be 35 years old; and must have lived fourteen years within the United States.

The offices of President and Vice-President are the only offices of the United States which a foreign-born citizen cannot hold.

CLAUSE 6. *"In case of the removal of the President from office, or of his death, resignation, or inability to discharge the powers and duties of the said office, the same shall devolve on the Vice-President, and the Congress may by law provide for the case of removal, death, resignation, or inability, both of the President and Vice-President, declaring what officer shall then act as President, and such officer shall act accordingly, until the disability be removed, or a President shall be elected."*

**109.** If a vacancy occurs in the Presidency, how is it filled?

If a vacancy occurs in the Presidency, the Vice-President becomes President for the unexpired term.

If the President is sick, on a vacation, etc., the Vice-President acts as President until he returns.

There is no provision made in the Constitution for filling a vacancy in the Vice-Presidency.

- 110.** If there is neither President nor Vice-President, how is the Presidency filled?

If there is neither President nor Vice-President, the Presidency devolves upon the members of the President's Cabinet in the following order: the Secretary of State, of the Treasury, and of War, the Attorney General, the Postmaster-General, the Secretary of the Navy, of the Interior, and of Agriculture.

It is understood that the one who succeeds to the Presidency, have the qualifications for the position.

CLAUSE 7. *"The President shall, at stated times, receive for his services a compensation, which shall neither be increased nor diminished during the period for which he shall have been elected, and he shall not receive within that period any other emolument from the United States, or any of them."*

- 111.** What is the salary of the President?

The salary of the President is \$50,000 a year along with the use of the White House.

The use of the White House includes free rent, light, fuel, furnishing, keeping the grounds in order, caring for the stables, etc.

The White House (Executive Mansion) is about a mile from the Capitol Building. It is the President's residence, and also contains his business offices, where he performs the many duties of his position. Here he also receives the people who come to see him on business, or for any other purpose.

- \*112.** What is the salary of the Vice-President?

The salary of the Vice-President is \$8,000 a year.

CLAUSE 8. *"Before he enter on the execution of his office, he shall take the following oath or affirmation: 'I do solemnly swear (or affirm) that I will faithfully execute the office of President of the United States, and will, to the best of my ability, preserve, protect, and defend the Constitution of the United States.'"*



**113.** When are the President and Vice-President inaugurated?

The President and Vice-President are inaugurated on the 4th of March, following their election.

The Vice-President takes the oath to support the Constitution in the Senate Chamber just before noon, and then delivers a short address to the Senators. Then the Senators and all officials present march in a body to the temporary platform erected on the east side of the Capitol. An immense crowd is gathered here to witness the inauguration of the President. The President-to-be, is escorted to the platform, and the Chief Justice of the United States Supreme Court administers to him the oath of office. The President then delivers his inaugural address. He is then escorted to his new home, the White House.

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## CHAPTER XVI.

### Powers of the President.

#### ARTICLE II.—SECTION 2.

CLAUSE 1. *“The President shall be Commander-in-Chief of the Army and Navy of the United States, and of the Militia of the several States, when called into the actual service of the United States; he may require the opinion, in writing, of the principal officer in each of the executive departments, upon any subject relating to the duties of their respective offices, and he shall have power to grant reprieves and pardons for offenses against the United States, except in cases of impeachment.”*

**114.** Who is the Commander-in-Chief of the Army and Navy of the United States?

The President is the Commander-in-Chief of the Army and Navy of the United States, and also of the State Militia when it is in actual service of the United States.

It is the President's duty to execute the laws, to repel invasion, and to suppress domestic insurrection; he must, therefore, have sufficient power to accomplish these duties. It is necessary that the control of the entire military force be placed into his hands.

In case of war the President need not take the field in person. He may select officers to act for him and under his supervision. The Secretary of War and the Secretary of the Navy are usually empowered by the President to exercise this authority for him.

- \*115. How may the President obtain information on executive matters?

The President may require the head-officer of every executive department to give his opinion in writing, on any subject relating to the duties of his department.

- \*116. What power has the President to interfere with the course of the laws?

The President has the power to grant reprieves and pardons for all offenses against the United States, except in cases of impeachment.

A reprieve is a temporary suspension of the execution of a sentence. A pardon is a complete or a partial release from a punishment. The President also has the power of commuting a sentence; that is, he may change the death penalty into imprisonment for life, etc.

The President can only grant a reprieve or pardon when a person is convicted by a United States Court.

CLAUSE 2. *"He (the President) shall have power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senators present concur; and he shall nominate, and by and with the advice and consent of the Senate, shall appoint ambassadors, other public ministers, and consuls, judges of the Supreme Court, and all other officers of the United States, whose appointments are not herein otherwise provided for, and which shall be established by law; but the Congress may by law vest the appointment of such inferior officers, as they think proper, in the President alone, in the courts of law, or in the heads of Departments."*

**\*117.** What power has the President in making treaties?

The President has power to make treaties by and with the advice and consent of the Senate.

Two-thirds of the Senators present must concur.

A treaty is an agreement (contract) between two or more nations. It may cover any subject.

**\*118.** What nominating and appointing powers has the President?

The President nominates, and, by and with the consent of the Senate, appoints ambassadors, other public ministers, consuls, judges of the Supreme Court, and all the officers of the United States whose appointments are not provided for in the Constitution, and which shall be established by law.

Ambassadors and other public ministers are the political agents of our Government in foreign countries. They usually reside in the capital of the country to which they are sent. It is their duty to carry out the instructions of the President; to protect the person and property of our citizens in their respective countries; to settle the differences that arise between our Government and the one to which they are accredited; to keep our Government informed on all points that concern our interests; etc.

The consuls represent the commercial interests of our country. They are stationed at all important seaports of foreign countries. It is their duty to watch that our merchants and seamen are properly protected.

CLAUSE 3. *"The President shall have power to fill up all vacancies that may happen during the recess of the Senate, by granting commissions which shall expire at the end of their next session."*

**\*119.** What power has the President to fill vacancies?

The President has power to fill all vacancies occurring during the recess of the Senate; but the commissions granted by him expire at the end of the next session of the Senate.

## CHAPTER XVII.

## Duties of the President.

## ARTICLE II.

SECTION 3. *"He shall, from time to time, give to the Congress information of the state of the Union, and recommend to their consideration such measures as he shall judge necessary and expedient; he may, on extraordinary occasions, convene both Houses, or either of them, and in case of disagreement between them, with respect to the time of adjournment, he may adjourn them to such time as he shall think proper; he shall receive ambassadors and other public ministers; he shall take care that the laws be faithfully executed, and shall commission all the officers of the United States."*

**\*120.** What is the President obliged to do at the beginning of every session of Congress?

At the beginning of every session of Congress, the President is obliged to send a message to Congress (President's message). In it he reviews the condition of the country, and recommends such measures as he thinks necessary and expedient to remedy existing evils, or to better conditions.

**121.** What is the most important duty of the President?

The most important duty of the President is to see that the laws, made by Congress, are enforced.

In case of necessity the President may send the army and navy of the United States and call out the militia to overcome any resistance to the law.

**122.** Who commissions the officers of the United States?

The President commissions all officers of the United States, whether appointed by him or not.

A commission is a certificate of appointment to an office under the United States. To be valid it must be signed by the President, and the official seal of the United States must be affixed by the Secretary of State.

SECTION 2. *"The President, Vice-President, and all civil officers of the United States, shall be removed from office, on impeachment for, and conviction of, treason, bribery, or other high crimes and misdemeanors."*

This subject has been considered under impeachment pages, 15 and 18.



# PART IV.

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## THE JUDICIAL DEPARTMENT.

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### CHAPTER XVIII.

#### The United States Courts.

##### ARTICLE III.

SECTION 1. *"The Judicial Power of the United States shall be vested in one Supreme Court, and in such inferior courts as the Congress may, from time to time, ordain and establish. The judges, both of the Supreme and inferior courts, shall hold their offices during good behavior, and shall, at stated times, receive for their services a compensation, which shall not be diminished during their continuance in office."*

**123.** In whom is the Judicial Power of the United States vested?

The Judicial Power of the United States is vested in one Supreme Court, and in such Inferior Courts as Congress may from time to time establish.

The Supreme Court is the highest tribunal in the land, and its decisions are final.

**124.** Of whom is the Supreme Court composed?

The Supreme Court is composed of one Chief Justice and eight Associate Judges.

**\*125.** How often and when does the Supreme Court meet?

The Supreme Court meets once a year on the second Monday in October, and remains in session until about May. It meets at Washington, D. C.

**\*126.** Name some of the Inferior Courts established by Congress.

Some of the Inferior Courts established by Congress are District Courts, Circuit Courts, Court of Claims, Appellate Courts, Military Courts, etc.

**127.** By whom are the Judges of the United States Courts appointed?

The Judges of the United States Courts are appointed by the President, by and with the advice and consent of the Senate.

**128.** How long do these Judges retain their office?

These Judges retain their office during good behavior.

These Judges can only be removed through impeachment; they may, of course, resign. When a Judge reaches the age of seventy and has served ten years, he may retire on full pay for life.

Salaries: Chief Justice, \$13,000 per year; Associate Judges, \$12,000; Circuit Court Judges, \$7,500; and District Court Judges, \$6,000.

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## CHAPTER XIX.

### Jurisdiction of the United States Courts.

#### ARTICLE III.

CLAUSE 1. *"The Judicial Power shall extend to all cases, in law and equity, arising under this Constitution, the laws of the United States, and treaties made, or which shall be made, under their authority; to all cases affecting ambassadors, other public ministers, and consuls; to all cases of admiralty and maritime jurisdiction; to controversies to which the United States shall be a party; to controversies between two or more States, between a State and citizens of another State, between citizens of different States, between citizens of the same State, claiming lands under grants of different States, and between a State, or the citizens thereof, and foreign States, citizens, or subjects."*

**129.** Does the jurisdiction of the United States Courts extend to all cases?

The jurisdiction of the United States Court does not extend to all cases, but only to those specified in the Constitution.

**\*130.** To what cases does the jurisdiction of these Courts extend?

The jurisdiction of the United States Courts extends:

1st, To all cases arising under the Constitution, the laws of the United States, and the treaties made under them;

2d, To cases affecting ambassadors, other public ministers, and consuls. (If these officers are foreigners, they are only bound by the law of nations, and the laws of the country they represent.)

3d, To cases of admiralty and maritime jurisdiction; (These cases arise out of deeds committed on the seas, and out of rights claimed under the laws of commerce.)

4th, To controversies to which the United States shall be a party;

5th, To all cases that the Supreme Court of any State cannot decide;

6th, To cases affecting different States and their citizens.

CLAUSE 2. *"In all cases affecting ambassadors, other public ministers, and consuls, and those in which a State shall be a party, the Supreme Court shall have original jurisdiction. In all the other cases before mentioned, the Supreme Court shall have appellate jurisdiction, both as to law and fact, with such exceptions, and under such regulations, as the Congress shall make."*

**\*131.** What original jurisdiction has the Supreme Court of the United States?

The Supreme Court of the United States has original jurisdiction in all cases affecting ambassadors, other public ministers, and consuls, and those in which a State shall be a party.

Original jurisdiction is the right to decide cases which have not been before a lower Court.

- \*132.** What appellate jurisdiction has the United States Supreme Court?

The United States Supreme Court has appellate jurisdiction in cases that come to it from the Inferior Courts of the United States, or from the Supreme Courts of the States and territories, by appeal or by writ of error.

Appellate jurisdiction is the right to settle cases that are brought up from the lower Courts.

AMENDMENT XI. *"The Judicial Power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by citizens of another State, or by citizens or subjects of any foreign State."*

- 133.** May a private citizen sue a State?

A private citizen may not sue a State, because such a right would be damaging to State sovereignty.

CLAUSE 3. *"The trial of all crimes, except in cases of impeachment, shall be by jury; and such trial shall be held in the State where the said crime shall have been committed; but when not committed within any State, the trial shall be at such place, or places, as the Congress may by law have directed."*

- 134.** How must the trial for all crimes be held?

The trial for all crimes, except in cases of impeachment, must be held by jury.

- 135.** Where must the trial be held?

The trial must be held in the State in which the crime was committed.

This provision gives the party accused, all advantages of a fair trial, and relieves him of much expense and annoyance.

- 136.** If the crime is not committed within any State, what then?

If the crime is not committed within any State, the trial is held where Congress by law directs.



AMENDMENT V. *"No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger; nor shall any person be subjected, for the same offense, to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation."*

A capital crime is one punishable by death. An infamous crime is one punishable by imprisonment in a penitentiary, or by the loss of civil or political privileges.

"A presentment is a statement by a grand jury of an offense from their own knowledge or observation, without any bill of indictment laid before them at the suit of the Government." The prosecuting officer must afterward frame an indictment on the presentment, before the party presented can be held to trial.

An indictment is a formal accusation of an offense drawn up by a prosecuting officer and laid before the grand jury for its sanction, so that the offender may be put to trial.

**\*137. What is a Grand Jury?**

A Grand Jury is a body of twelve to twenty-three men who are sworn to inquire and present all offenses committed against the authority of the Government within the State or district for which they are impaneled.

The Grand Jury meets in secret session, and no indictment can be made by it without the consent of at least twelve of the members. If the Grand Jury decides that the accusation brought against a party is true, the party is held to answer for the charge against him. If it decides that the accusation is

not true, the person accused is given his freedom if he is in custody; but he may be again indicted by another grand jury.

All cases arising in the army and navy, or in the militia, when in actual service of the United States, are an exception to this method of trial. All such cases must be tried according to and by the laws of the courts-martial.

- \*138.** If a person has been once tried for a crime, can he be tried a second time for the same offense?

A person who has been convicted of a crime, may be tried a second time if he applies for a new trial; but a person who has been acquitted, cannot be tried again for the same offense.

- \*139.** Can a person be compelled to be a witness against himself in any criminal case?

A person cannot be compelled to be a witness against himself in any criminal case, because he is placed in a critical position, and, in many instances, his mind is not capable of giving clear and correct evidence.

- \*140.** Can a person be deprived of life, liberty, or property, without due process of law?

A person cannot be deprived of life, liberty, or property, unless in a trial begun and conducted according to law, at which trial a verdict must have been rendered against him.

- 141.** May private property be taken for public use?

Private property may be taken for public use, but not without just compensation.

The power of the Government to take private property for public use, is called the right of "*eminent domain*." The Government must have this power when the public welfare demands the use of private property; but it is no more than just, that the owner of the property be paid a fair price for the same.

AMENDMENT VI. *"In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor; and to have the assistance of counsel for his defense."*

**142.** What right has a person who is prosecuted for a crime?

He has a right to a public and speedy trial before an impartial jury, called a petit jury.

**\*143.** What is a Petit Jury?

A Petit Jury is a body of twelve men selected from the district wherein the crime was committed; they listen to the evidence at the trial, and then bring in a verdict. To render a verdict, their decision must be unanimous.

**\*144.** Of what must the accused be informed?

He must be informed of the nature and cause of the accusation, and also be allowed sufficient time to prepare for his defense.

**\*145.** What other rights has the accused?

He has the right to be confronted by the witnesses against him; to demand of the court to compel the attendance of witnesses in his favor; and to have the assistance of counsel for his defense.

If the accused cannot employ counsel for his defense, the Government must do so at its own expense.

AMENDMENT VII. *"In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved; and no fact tried by a jury, shall be otherwise re-examined in any court of the United States, than according to the rules of the common law."*

AMENDMENT VIII. *"Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishment inflicted."*

## CHAPTER XX.

## Treason.

## ARTICLE III.—SECTION 3.

CLAUSE I. *"Treason against the United States shall consist only in levying war against them, or in adhering to their enemies, giving them aid and comfort. No person shall be convicted of treason, unless on the testimony of two witnesses to the same overt act, or on confession in open court."*

**146.** In what does treason against the United States consist?

Treason against the United States consists only in levying war against them, or in adhering to their enemies, giving them aid and comfort.

Treason is the greatest crime a citizen can commit, because this crime aims to overthrow the Government. To protect themselves against this crime, all Governments inflict the severest punishment for this offense.

**147.** What is necessary to convict a person of treason?

To convict a person of treason, the testimony of two witnesses to the same overt act, or a confession in open court, is necessary.

Congress has the power to declare the punishment for treason.

CLAUSE 2. *"The Congress shall have power to declare the punishment of treason, but no attainder of treason shall work corruption of blood, or forfeiture, except during the life of the person attainted."*

**\*148.** What penalty has Congress declared for treason?

Congress has declared the penalty for treason to be death by hanging; or, at the discretion of the court, imprisonment for not less than five years and a fine of not less than ten thousand dollars.

In some countries treason works corruption of blood, so that the person convicted of treason cannot inherit property, nor transmit his property to his heirs. All his belongings are confiscated by the government.

The Constitution of the United States, however, restrains Congress from extending the consequences of treason beyond the person guilty of the crime. (Traitor.)



## PART V.

### MISCELLANEOUS PROVISIONS.

#### CHAPTER XXI.

##### Relations of the States.

###### ARTICLE IV.—SECTION 1.—STATE RECORDS.

SECTION 1. *“Full faith and credit shall be given in each State to the public acts, records, and judicial proceedings of every other State. And the Congress may, by general laws, prescribe the manner in which such acts, records, and proceedings shall be proved, and the effect thereof.”*

**\*149.** How shall the public acts, records, and judicial proceedings of one State be regarded in the other States?

Full faith and credit shall be given in each State to the public acts, records and judicial proceedings of every other State.

**\*150.** What power has Congress over the acts, records, and proceedings of each State?

Congress has power to prescribe how these acts, records, and judicial proceedings are to be proven, and what their effect shall be.

###### SECTION II.—PRIVILEGES OF CITIZENS, ETC.

CLAUSE 1. *“The citizens of each State shall be entitled to all privileges and immunities of citizens in the several States.”*

**\*151.** What is said of the privileges of citizens?

A citizen of one State is entitled to all the privileges and immunities in every other State, during his sojourn in the same.

CLAUSE 2. *“A person charged in any State with treason, felony, or other crime, who shall flee from justice, and be found in another State, shall, on demand of the executive authority of the State from which he fled, be delivered up, to be removed to the State having jurisdiction of the crime.”*

**\*152.** What provision is made in the Constitution in case a criminal flees from justice?

If a person commits a crime in any State and then flees from justice, and is found in another State, the Executive authority of the State from which he fled, has a right to request that such person be returned to be tried and punished for his crime.

If this provision were not in the Constitution, a criminal could escape from one State to another and be free from punishment. Every State would be a place of refuge for thieves and criminals.

**EXTRADITION.**—The officers of one State have no power, or authority, in another State. A criminal, fleeing from justice, must be delivered up to the State claiming him, by the proper officers of the State in which he is found.

The person delivered up, must be sued for the crime before a court having power over his case; then the governor of the State in which the crime was committed, demands the return of the fugitive from the governor of the State in which he is found. (Requisition Papers).

Although there is no provision in the Constitution *compelling* a governor to deliver up a fugitive, still the demand is usually complied with.

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## CHAPTER XXII.

### New States.

#### ARTICLE IV.—SECTION 3.

CLAUSE 1. *“New States may be admitted by the Congress into this Union; but no new State shall be formed, or erected, within the jurisdiction of any other State; nor any State be formed, by the junction of two or more States, or parts of States, without the consent of the legislatures of the States concerned, as well as of the Congress.”*

**153.** By whom are new States admitted into the Union?

New States are admitted into the Union by Congress.

When a territory has a population entitling it to one Representative in Congress, it may petition Congress for admission into the Union as a State.

**\*154.** What power is denied to Congress in respect to the erection of States?

Congress is denied the power to erect a new State within the jurisdiction of any State, or by the junction of two or more States, or parts of States, without the consent of these States.

CLAUSE 2. *"The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory, or other property, belonging to the United States; and nothing in this Constitution shall be so construed as to prejudice any claims of the United States, or of any particular State."*

**\*155.** What power has Congress over the property of the United States?

Congress has the power to dispose of and make all rules and regulations regarding the territory or other property belonging to the United States.

When a section of country has a sufficient population to need a local government, the inhabitants may petition Congress for a territorial government. If Congress sees fit, the request is granted; and a law is passed, organizing the section into a territory. A governor, judges, and other officers are appointed for it by the President; the people electing their Legislature. Congress, however, may pass laws and enforce them within the territory, or annul any law made by its Legislature.

N. B.—Clause 3 is practically repealed by Amendment XIII.

## SECTION IV.—GUARANTEE TO THE STATES.

*"The United States shall guarantee to every State in this Union a republican form of government, and shall protect each of them against invasion; and on application of the Legislature, or of the Executive (when the Legislature cannot be convened), against domestic violence."*

**\*156.** What do the United States guarantee to every State and its people?

The United States guarantee to every State and the people thereof a republican form of government, and will not tolerate any other form.

**\*157.** What do the United States pledge themselves to do for every State?

The United States pledge themselves to protect every State against invasion, and also against domestic rebellion, or riot, if requested to do so by the State Legislature, or by the Governor, if the Legislature cannot be convened.

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## CHAPTER XXIII.

### The Power of Amendment.

#### ARTICLE V.

*"The Congress, whenever two-thirds of both Houses shall deem it necessary, shall propose amendments to this Constitution, or, on the application of the legislatures of two-thirds of the several States, shall call a convention for proposing amendments, which, in either case, shall be valid to all intents and purposes, as part of this Constitution, when ratified by the legislatures of three-fourths of the several States, or by conventions in three-fourths thereof, as the one or the other mode of ratification may be proposed by the Congress: Provided, that no amendment, which may be made prior to the year one thousand eight hundred and eight, shall, in any manner, affect the first and fourth clauses in the ninth section of the first article; and that no State, without its consent, shall be deprived of its equal suffrage in the Senate."*



- \*158.** How many ways may amendments to the Constitution be proposed?

Amendments to the Constitution may be proposed in two ways: 1st, By Congress, whenever two-thirds of both Houses consider it necessary; 2d, By a National Convention called together by Congress on the application of at least two-thirds of the State Legislatures.

- \*159.** In how many ways do amendments become valid as a part of the Constitution?

Amendments become valid as a part of the Constitution in two ways: 1st, By the ratification of three-fourths of the State Legislatures; 2d, By the ratification of three-fourths of the State Conventions, called for this purpose.

Congress determines which of the two methods is to be used. More than 1,700 amendments to the Constitution have been proposed, but only fifteen have been ratified. These now form a part of the Constitution.

- \*160.** What limitation was made to the power of amendment?

No State, without its consent, shall be deprived of its equal suffrage in the Senate.

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## CHAPTER XXIV.

### Public Debts, Supremacy of the Constitution, Oath of Office, and Religious Test.

#### ARTICLE VI.

CLAUSE 1. *"All debts contracted, and engagements entered into, before the adoption of this Constitution, shall be as valid against the United States, under this Constitution, as under the Confederation."*

This clause relates to the assumption of the debts contracted under the Confederation.

CLAUSE 2. *"This Constitution, and the laws of the United States which shall be made in pursuance thereof, and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges in every State shall be bound thereby, anything in the Constitution or laws of any State to the contrary notwithstanding."*

- \*161.** What is declared in regard to the Constitution, and the Laws and Treaties made under it?

The Constitution, and the Laws and Treaties made under it by the National Government, are the Supreme Law of our country.

- \*162.** What provision is made to secure the supremacy of the Constitution, etc.?

The Judges of every State are bound by the Constitution, and the Laws and Treaties made under it, when rendering their decision, even if any State Constitution or law conflicted with the same.

CLAUSE 3. *"The Senators and Representatives before mentioned, and the members of the several State Legislatures, and all executive and judicial officers, both of the United States, and of the several States, shall be bound by oath or affirmation, to support this Constitution; but no religious test shall ever be required as a qualification to any office or public trust under the United States."*

- \*163.** What officers must take an oath or make affirmation to support the Constitution?

All the officers of the three departments of the National Government and of the several States are bound by oath or affirmation to support the Constitution of the United States.

164. May a religious test be required as a qualification for any United States office?

No religious test of any kind may ever be required as a qualification for any office or public trust under the United States.

Every citizen of the United States has perfect freedom in his religious belief. Every man stands solely on his merits as a citizen of the Union.

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## CHAPTER XXV.

### Ratification of the Constitution.

#### ARTICLE VII.

*"The ratification of the Conventions of nine States shall be sufficient for the establishment of this Constitution between the States so ratifying the same."*

The ratification of nine of the States was necessary to establish this Constitution. As a matter of fact, it was only binding upon the States that ratified it. By 1788 eleven States had signed it. Rhode Island and North Carolina refused to sign; they came in later on.



# PART VI.

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## THE AMENDMENTS.

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### CHAPTER XXVI.

AMENDMENT 1. *"Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof, or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances."*

**165.** How many amendments are there to the Constitution?

There are fifteen amendments to the Constitution.

**166.** May Congress establish a State religion or a State church?

Congress may not establish a State religion or a State church.

**167.** May Congress interfere with the religious institutions and convictions of the people?

Congress may not interfere with the religious institutions and convictions of the people as long as they do not interfere with the liberty of others.

**168.** What restriction is there upon Congress regarding freedom of speech and of the press?

Congress has no right to interfere with the freedom of speech and of the press.

This does not mean that a person may slander and libel others when he feels like doing so. All of the States have laws protecting persons against slander and libel.

Slander consists in uttering a *false* report, or tale, with the intention of injuring the character of others. Libel is *published* slander. It may be written or printed, or by pictures, effigies or other signs. Libel is considered the greater offense of the two.



- \*169.** What restriction is there upon Congress regarding the right of the people to assemble and to petition the Government?

Congress may not make a law abridging the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

AMENDMENT 2. *"A well-regulated militia, being necessary to the security of a free State, the right of the people to keep and bear arms, shall not be infringed,"*

AMENDMENT 3. *"No soldier shall, in time of peace, be quartered in any house, without the consent of the owner; nor, in time of war, but in a manner to be prescribed by law."*

AMENDMENT 4. *"The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated; and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized."*

- \*170.** According to Article IV, what right of the people shall not be violated?

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable search and seizure, shall not be violated.

- \*171.** Under what conditions may warrants be issued?

Warrants may be issued only upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

In this country every man's house is his castle. No one, even if he be the President, Governor, or officer of any rank, has a right to enter the humblest cottage in the land without the consent of the person occupying the same, unless legally authorized to do so.

Searches and seizures may not be made unless the party complaining, make oath or affirmation that a crime has been committed, and that he has good reasons to believe that the

persons or things to be seized, are hidden in a particular place. The proper judicial authority must then issue a warrant, permitting the search and seizure. This warrant must contain an exact description of the place to be searched, and of the persons or things to be seized.

This provision, however, does not prevent a police officer from forcibly entering a house, without a warrant, for the purpose of arresting a person, when a crime is being committed therein, or in other exceptional cases. But the person, thus arrested, must be taken immediately before the proper authority; and the officer must prove that such action was necessary.

N. B.—For Amendments V, VI, VII, and VIII, refer to the Judiciary Department, on pages 61 and 63.

AMENDMENT 9. *“The enumeration in the Constitution of certain rights shall not be construed to deny or disparage others retained by the people.”*

AMENDMENT 10. *“The powers not granted to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.”*

\*172. What rights and powers are reserved to the States?

All rights and powers are reserved to the States that are not expressly, or by necessary implication, vested in the National Government by the Constitution of the United States, and are not denied them by the same.

N. B.—Amendment XI has been discussed under the Judiciary, page 60.

Amendment XII has been discussed under the Executive Department, page 49.

AMENDMENT 13. SECTION 1. *“Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.”*

SECTION 2. *“Congress shall have power to enforce this article by appropriate legislation.”*

The adoption of the thirteenth amendment, in 1865, legally freed all the slaves within the United States, and prohibited slavery forever within their limits, and in all places subject to their jurisdiction.

AMENDMENT 14. SECTION 1. *"All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States, and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws."*

**173.** What is the constitutional definition of a citizen?

*"All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States, and of the State wherein they reside."*

SECTION 1, of this amendment, made the negro a citizen of the United States, with all the civil rights of other citizens, but it did not give him the political rights. No State could deny him the privilege of buying, selling, and holding property, or engaging in business, etc.

SECTION 2. *"Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed, But when the right to vote at any election for the choice of Electors for President and Vice-President of the United States, Representatives in Congress, the executive and judicial officers of a State, or the members of the Legislatures thereof, is denied to any of the male inhabitants of such State, being twenty-one years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens, twenty-one years of age, in such State."*

The negro, having been made a citizen by section 1, of this amendment, was entitled to representation in Congress. It was feared that some States would deny him the right to vote, although counting him as an inhabitant; and, by so doing, give the white population a representation in Congress to which it was not entitled by law. Therefore the second section of this amendment provides, that, if any State denies the right to vote to any male citizen of the United States, twenty-one years of age, the representation in Congress of that State shall be decreased in the same proportion.

SECTION 3. *"No person shall be a Senator or Representative in Congress, or Elector of President and Vice-President, or hold any office, civil or military, under the United States, or under any State, who, having previously taken an oath as a member of Congress, or as an officer of the United States, or as a member of any State Legislature, or as an executive or judicial officer of any State, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But Congress may, by a vote of two-thirds of each House, remove such disability."*

This section denies the privilege of holding office to all persons who, having once sworn to support the Constitution of the United States, afterwards break this oath by engaging in insurrection or rebellion against the United States, or giving aid or comfort to their enemies. Congress, however, has the power to remove this disability, and has so far done so in all such cases. (Civil War.)

SECTION 4. *"The validity of the public debt of the United States, authorized by law, including debts incurred for payment of pensions, and bounties for services in suppressing insurrection or rebellion, shall not be questioned. But neither the United States nor any State*



*shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave; but all such debts, obligations, and claims shall be held illegal and void."*

SECTION 5. *"Congress shall have power to enforce, by appropriate legislation, the provisions of this article."*

The fourth section of this amendment was added to the Constitution, because it was feared that an attempt might be made to repudiate the debts incurred during the Civil War, and such arising in consequence thereof. This section also makes null and void all the debts incurred by the Southern States in the Civil War, while in rebellion against the United States.

AMENDMENT 15. SECTION 1. *"The right of citizens of the United States to vote shall not be denied or abridged by the United States, or by any State, on account of race, color, or previous condition of servitude."*

SECTION 2. *"The Congress shall have power to enforce this article by appropriate legislation."*

We have seen that the fourteenth amendment bestowed on the negro the civil rights of other citizens. Each State, however, had the power to withhold from him the political rights, that is the right to vote. The fifteenth amendment, adopted in 1870, restricts this power of the States, in such a manner, that a State may not deny the right to vote to any person on account of race, color, or previous condition of servitude, thus, making the negro the political equal of his white fellow-citizens.

FINIS.

STATES.		Ratified the Constitution.	Representa- tives — Ap- portionment of 1902.	Electoral Vote.	Popula- tion, U.S. Census of 1900	Area in Square Miles.
1	Delaware.....	Dec. 7, 1787....	1	3	184,735	2,050
2	Pennsylvania.....	Dec. 12, 1787....	32	34	6,302,115	45,215
3	New Jersey.....	Dec. 18, 1787....	10	12	1,883,669	7,815
4	Georgia.....	Jan. 2, 1788....	11	13	2,216,331	59,475
5	Connecticut.....	Jan. 9, 1788....	5	7	908,420	4,990
6	Massachusetts.....	Feb. 6, 1788....	14	16	2,805,346	8,315
7	Maryland.....	April 28, 1788....	6	8	1,188,044	12,210
8	South Carolina.....	May 23, 1788....	7	9	1,340,316	30,570
9	New Hampshire.....	June 21, 1788....	2	4	411,588	9,305
10	Virginia.....	June 25, 1788....	10	12	1,854,184	42,450
11	New York.....	July 26, 1788....	37	39	7,268,894	49,170
12	North Carolina.....	Nov. 21, 1789....	10	12	1,893,810	52,250
13	Rhode Island.....	May 29, 1790....	2	4	428,556	1,250
Admitted to the Union						
14	Vermont.....	March 4, 1791....	2	4	343,641	9,565
15	Kentucky.....	June 1, 1792....	11	13	2,147,174	40,400
16	Tennessee.....	June 1, 1796....	10	12	2,020,616	42,050
17	Ohio.....	Feb. 19, 1803....	21	23	4,157,545	41,060
18	Louisiana.....	April 30, 1812....	7	9	1,381,625	48,720
19	Indiana.....	Dec. 11, 1816....	13	15	2,516,462	36,350
20	Mississippi.....	Dec. 10, 1817....	8	10	1,551,270	46,810
21	Illinois.....	Dec. 3, 1818....	25	27	4,821,550	56,650
22	Alabama.....	Dec. 14, 1819....	9	11	1,828,697	52,250
23	Maine.....	March 15, 1820....	4	6	694,466	33,040
24	Missouri.....	Aug. 10, 1821....	16	18	3,106,665	69,415
25	Arkansas.....	June 15, 1836....	7	9	1,311,564	53,850
26	Michigan.....	Jan. 26, 1837....	12	14	2,420,982	58,915
27	Florida.....	March 3, 1845....	3	5	528,542	58,680
28	Texas.....	Dec. 29, 1845....	16	18	3,048,710	265,780
29	Iowa.....	Dec. 28, 1846....	11	13	2,231,853	56,025
30	Wisconsin.....	May 29, 1848....	11	13	2,069,042	56,040
31	California.....	Sept. 9, 1850....	8	10	1,485,053	158,360
32	Minnesota.....	May 11, 1858....	9	11	1,751,394	83,365
33	Oregon.....	Feb. 14, 1859....	2	4	413,536	90,030
34	Kansas.....	Jan. 29, 1863....	8	10	1,470,495	82,080
35	West Virginia.....	June 19, 1863....	5	7	958,800	24,780
36	Nevada.....	Oct. 31, 1864....	1	3	42,335	110,700
37	Nebraska.....	March 1, 1867....	6	8	1,066,300	77,510
38	Colorado.....	Aug. 1, 1876....	3	5	539,700	103,925
39	North Dakota.....	Nov. 2, 1889....	2	4	319,146	70,795
40	South Dakota.....	Nov. 2, 1889....	2	4	401,570	77,650
41	Montana.....	Nov. 8, 1889....	1	3	243,329	146,080
42	Washington.....	Nov. 11, 1889....	3	5	518,103	69,180
43	Idaho.....	July 3, 1890....	1	3	161,772	84,800
44	Wyoming.....	July 10, 1890....	1	3	92,531	97,890
45	Utah.....	Jan. 4, 1896....	1	3	276,749	84,970
46	Oklahoma.....	June 16, 1906....	5	7	790,391	70,430
			391	483	76,695,447	
TERRITORIES.		Organized.	Representa- tion.	Electoral vote.	Popula- tion — U. S. Census of 1900.	Area in Square Miles.
1	New Mexico.....	Sept. 9, 1850....			195,310	122,580
2	Arizona.....	Feb. 4, 1863....			122,931	113,020
3	Alaska.....	July 27, 1868....			63,592	590,884
4	District of Columbia.....	March 3, 1791....			278,718	69
5	Philippine Islands.....	July 1, 1902....			7,635,426	115,026
6	Porto Rico.....	April 12, 1900....			953,243	3,606
7	Guam.....	Feb. 1, 1899....			8,661	200
8	Hawaii.....	April 30, 1900....			154,001	6,740
9	Samoa Islands.....	Jan. 1899....			5,800	1,500

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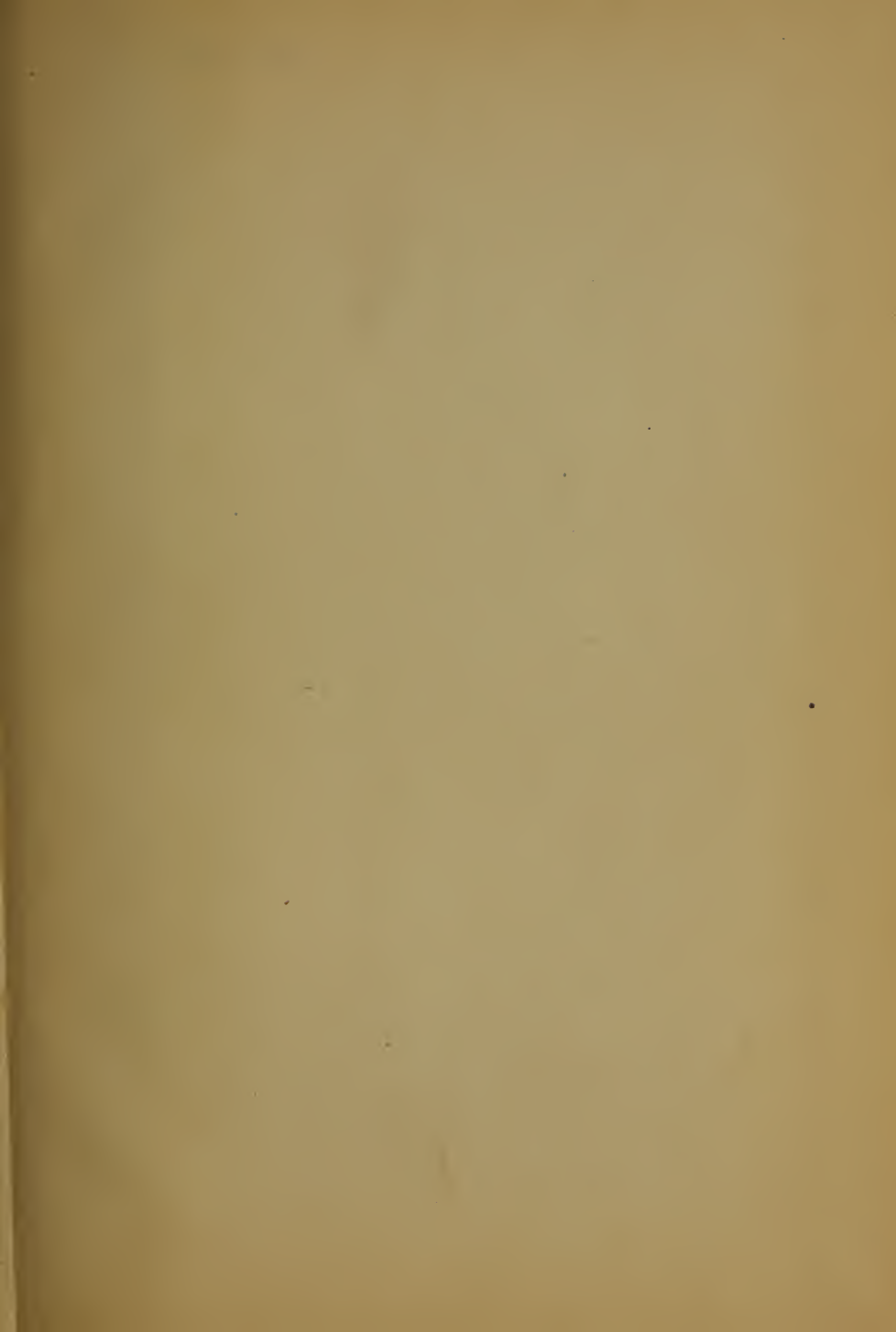
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